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Commission
Publication



The Report of the Commission of Inquiry into the Toronto Islands

BARRY B. SWADRON, Q.C., COMMISSIONER


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PRESSURE ISLAND

THE REPORT
OF THE
COMMISSION OF INQUIRY
INTO THE
TORONTO ISLANDS

BARRY B. SWADRON, Q.C.
COMMISSIONER





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Barry Swadron Q.C.
Commissioner

**Commission of Inquiry
into the Toronto
Islands**

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Susan G. Himel, LL.B
Counsel

January 12, 1981

The Honourable Thomas L. Wells,
Minister of Intergovernmental Affairs
Government of Ontario
Parliament Buildings
Toronto, Ontario

Dear Mr. Minister:

I am pleased to present the Report of the
Commission of Inquiry into the Toronto
Islands.

With respect,

A handwritten signature in cursive script that reads "Barry Swadron".

Barry B. Swadron, Q.C.
Commissioner

COMMISSION STAFF

SUSAN G. HIMEL
COUNSEL

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ADMINISTRATOR

CAROL A. BARGMAN
CO-ORDINATOR OF RESEARCH

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RESEARCH OFFICER

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RESEARCH OFFICER

HELENE JACKMAN
SECRETARY

COUNSEL APPEARING

In order of appearance...

for the Commission	Susan G. Himel
for the City of Toronto	John F. Rook, Esq.
for the residents of Toronto Islands	Peter Y. Atkinson, Esq.
for the Royal Canadian Yacht Club	Roger D. Wilson, Q.C.
for the Island Yacht Club	John J. Bussin, Q.C.
for A.F. Thompson, Ministry of Revenue	Graham Stoodley, Q.C.
for the City of Toronto (substituting for Mr. Rook)	John A. Little, Esq.
for the residents of Toronto Islands (substituting for Mr. Atkinson)	Frederick D. Cass, Esq.
for Bell Canada	Ronald C. McLean, Esq.

CREDITS

Front Cover Photograph - Toronto Harbour Commissioners
(by Les Baxter)

Back Cover Photograph - Mike Peake, Toronto Sun

Other photographs, maps and charts have been secured
from various sources, including:

Peter Atkinson, Ian Brown and the Staff
of the Toronto Harbour Commissioners,
City of Toronto Board of Education, City
of Toronto Planning and Development
Department, Mike Filey in his book
Trillium and Toronto Island, the Globe
and Mail, Suzann Greenaway, Rae Hull of
the "Ryersonian", M. J. Lennon in her
book Memories of Toronto Island: 10
Minutes and 1,000 Miles Away, Metropolitan
Toronto Parks and Property Department,
Stuart Swadron, the Students of Toronto
Island Public School in their book A
History of The Toronto Islands, and
exhibits filed during the hearings of
the Commission.

To all of those mentioned, I express my thanks for
their courtesy in allowing reproductions to appear in
this Report.

ACKNOWLEDGEMENTS

Although this Commission was ultimately administered through the Ministry of Intergovernmental Affairs, in its initial and trying stages the Ministry of the Attorney General helped it get established. More specifically, I refer to the Inquiry Management and Appointments Branch of that Ministry. I express my thanks to Peter Clendinneng, Roland d'Abadie and Doris Wagg, all of that Branch. From the Ministry of Intergovernmental Affairs, excellent cooperation was received from Larry Kent, Denis Massicot, Ron Farrow and Margaret Kipp. Ronald Ferguson of the Ministry of Treasury and Economics was instrumental in arranging fiscal matters.

As always, I am most deeply indebted to Dorothy Hewson, Office Manager of Swadron, Brown, who kept my law practice alive during my absence and who also volunteered her services to make sure this Report was kept on the rails and ultimately finalized. Susan Chernin of the same office, in the embryonic period of my appointment and before the Commission was "rolling", assisted in monitoring the municipal and court developments on the Island question.

To all of the above I express my sincerest thanks.

As for the Commission staff, my gratitude goes without saying.

I would be remiss if I did not single out Susan Himel, Counsel to the Commission, for the long hours and extraordinary effort she applied to the work of the Commission. She quickly became a knowledgeable expert in a convoluted subject and managed to make sense from chaos.

GENESIS AND APPROACH

1. APPOINTMENT
2. FIRST INDEPENDENT STUDY
3. TERMS OF REFERENCE
4. BICYCLE TOUR
5. PROCEDURE
6. INFORMAL HEARINGS
7. FORMAL HEARINGS
8. WRITTEN SUBMISSIONS
9. REVIEW OF SUBMISSIONS
10. OTHER DATA SOURCES
11. FORM OF THIS REPORT
12. NEED FOR SPEEDY RESOLUTION

Appointment

This Commission derives its statutory authority from The Municipality of Metropolitan Toronto Act, section 249, subsection 1 of which provides that, upon the recommendation of the Minister, the Lieutenant Governor in Council may issue a commission to inquire into the affairs of the Metropolitan Corporation or a local board thereof, and any matter connected therewith. That subsection provides further that the commissioner has the powers under Part II of The Public Inquiries Act, 1971, which Part applies to the inquiry as if it were an inquiry under that Act.

The genesis of this Commission is found in two Orders-in-Council, both emanating from recommendations made by the Honourable Thomas L. Wells, Minister of Inter-governmental Affairs for Ontario. These Orders are, more particularly:

- (1) Order-in-Council numbered OC-1805/80, approved by Her Honour the Lieutenant Governor, dated June 24, 1980; and
- (2) Order-in-Council numbered OC-2184/80, approved by His Honour the Administrator of the Government of the Province of Ontario, dated August 1, 1980.

By virtue of the initial Order-in-Council (June 24, 1980) the Commission was to consist of me who was to be Chairman of the Commission, two members to be appointed by Order-in-Council following the recommendation of the City of

Toronto, and two members to be appointed by Order-in-Council following the recommendation of the Municipality of Metropolitan Toronto.

Two persons were identified by the City of Toronto and recommended for appointment. On July 21, 1980, Toronto City Council recommended that Mrs. Isabel Bassett and Rabbi Gunther Plaut be appointed to the Commission.

The Municipality of Metropolitan Toronto did not see fit to recommend appointees to the then proposed five-person Commission.

Ultimately, the amendatory Order-in-Council (August 1, 1980) provided for the Commission to consist of me as the sole Commissioner. The same Order expressly conferred upon me the powers of a commission under Part II of The Public Inquiries Act, 1971.

First Independent Study

The subject of this Inquiry is a matter of longstanding controversy, standing longer than I believe most would think. In 1894, Toronto Alderman Crawford and his parks committee recommended that all Island residential leases be terminated at maturity and not renewed and that the houses be removed to make way for parkland to serve the needs of the "rapidly growing city". Subsequent residential development flourished and later shrank to its current size under the aegis of Metropolitan Toronto.

This is not the first time that the topic has been studied. Numerous reports, recommendations and positions, pointing in one direction or another, particulars of which are contained in this Report, have received a great deal of public exposure. "Facts and figures" in support of one or another stance were recited in the media from time to time. These data were often inconsistent with and sometimes downright contradictory of other information. Not surprisingly, the slant was commonly dictated, as was the method of presentation, by the source which was usually partisan.

Not long into the inquiry, I formed an impression, and it is now my belief, that many of those who have adopted a stand, whichever way, have done so without the benefit of adequate and reliable facts. Emotion has not infrequently outweighed reason. Political considerations have stood in the way of sensible action. This has been the climate.

Some might say that the appointment of this Commission represented an unwarranted intrusion by the Provincial Government into local autonomy. I would disagree. Events over the past couple of years, details of which appear later, have brought a simmering debate almost, if not to, boiling point. The Honourable Thomas L. Wells, Minister of Intergovernmental Affairs, has tried valiantly to mediate and arrange a viable solution with which the principals could live. Despite his efforts, this has not yet been possible. Amongst others, two local governments (the City of Toronto and the Municipality of Metropolitan Toronto) are at odds. There is even a marked division within the membership of each of their Councils on the Islands residential issue.

The senior government, in these circumstances and in my view, had the right, indeed a responsibility, to do everything it reasonably could to prevent what was surely a collision course and all the ugliness that would accompany it. The Government of Ontario, in issuing this Commission, took a step in seeking to sort out the competing interests in an orderly way. The truth is that there has not been, until the appointment of this Commission, a full and independent and public inquiry into the Toronto Islands residential conundrum. To determine what are the relevant issues and to isolate hard facts from unsupported allegations should go a long way to enhance the chances that cooler heads will prevail. An independent study was necessary and advisable at this time.

On a personal note, I had no special knowledge of the situation. My information was that of the average citizen who pays reasonable attention to media produce. With no preconceived notions, I felt comfortable in accepting the appointment, albeit somewhat intimidated by those who would suggest and the real fear that mine would be an impossible and thankless mission. It was like being thrown into a pressure cooker about to explode.

I have no trouble stating and do so here categorically that the appointing Government gave me no direction. The responsibility for all of the recommendations rests with me alone.

Terms of Reference

My mandate, as specified in both Orders-in-Council, is "to inquire into the appropriate future use of the lands on Algonquin Island and Ward's Island in the City of Toronto, that on the 19th day of October, 1979, were occupied and used for residential purposes".

Having seen the skeleton acquire flesh over the past several months, I am able to clothe the terms of reference for those who must and others who wish to read this Report.

The total area of the Toronto Islands complex is in excess of 800 acres. Subtracting those lands set aside for the Toronto Island Airport, the Toronto Islands consist of approximately 612 acres.

Two residential communities remain, both in the eastern regions of the Islands: Ward's and Algonquin.

The Ward's community sits on 12.03 acres and is actually on the main island (Centre). The Algonquin community is on a separate island by that name and takes up 20.94 acres. In total, therefore, the residential portion of the Islands comprises some 33 acres. A bridge connects Algonquin to the area known as Ward's Island.

There are, at this time, 252 remaining

residences: 147 on Ward's and 105 on Algonquin Island. Two of the houses on Algonquin Island are in the "possession" of Metropolitan Toronto and are boarded up.

As can be seen from the above figures, there is a greater density of housing on Ward's: 147 residences on 12.03 acres, compared to 105 on 20.94 acres at Algonquin Island. This is a reflection of the lot size. On Ward's the lots are generally 40 feet by 45 feet whereas on Algonquin Island the lot sizes are 50 feet by 100 feet.

A total of 623 people reside on the Islands, the great majority of them (538) on a year-round basis, according to a survey conducted in October, 1980.

That represents the picture in microcosm.

Anyone knowing the recent history of the subject matter of this inquiry will know that the terms of reference could well be phrased in another way: "Should the Island residents be allowed to remain?" That is the "bottom line" question and is, of course, addressed.

What is the significance of the date (October 19, 1979) inserted in the terms of reference? That is the date upon which Bill 153 (predecessor to Bill 5) was introduced in the Legislature. So far as I can ascertain

from having heard the evidence, the situation from that date to the present has not changed in any material way. Such being the case, I do not attach any special significance, for the purposes of this Commission, to the date expressed.

Bicycle Tour

Before the public hearings commenced, I wanted to give myself the advantage of seeing personally the "lay of the land" at Toronto Islands. It was important for me to be able to place in visual perspective the evidence I would be hearing. With this in mind, on Friday, August 8, 1980, I travelled by ferry to Centre Island and rented a bicycle to tour the Toronto Island Park and the residential communities.

In keeping with my efforts to conduct the business of the Commission in public, members of the media were alerted and a good number of them joined me on the tour. At times, it resembled a parade.



The journey took us past a good portion of the park and through every residential street on both Ward's and Algonquin Islands. I was careful to look only and not to form conclusions at such an early point.

I am able to say, now in retrospect, that the tour endowed me with a valuable experience which has helped me better to understand and digest the testimony which followed.

Procedures

While I had certain ideas of my own regarding how the Commission should conduct its business, I wanted to afford the opportunity to those who wished to avail themselves of it to make submissions before the procedures were settled.

A meeting for the purpose of settling the procedures was, with advance public notice, held at the Medical Sciences Building Auditorium, University of Toronto, on Thursday, August 14, 1980, commencing at 10:00 a.m.

On that date, submissions were made by the following persons:

- (1) George Hislop, Esq.
- (2) John Bryan, Esq.
appearing on behalf of the Toronto Redevelopment
Advisory Council
- (3) His Worship Mayor John Sewell,
City of Toronto
- (4) Campbell Atkinson, Esq.
- (5) John Rook, Esq.,
Counsel for the City of Toronto
- (6) Peter Atkinson, Esq.,
Counsel for the Residents of Toronto Islands
- (7) Sean Goetz-Gadon, Esq.
appearing on behalf of the Federation of Metro
Tenants Associations and the Metro Tenant Legal
Services
- (8) Henry Einarson, Esq.
appearing on behalf of the Ward 6 Community Organization
- (9) Ms. Penny Lawler
appearing on behalf of the Mainland-Island Support
Coalition

By statute and by expression in Cabinet Order, the Commission was given the powers of a commission under Part II of The Public Inquiries Act, 1971. That Part conferred upon me certain powers, the essential ones of which (see section 7) enabled me to require persons by summons to give evidence on oath or affirmation, and to produce in evidence such documents and things as I might specify, relevant to the subject matter of the inquiry.

I directed my attention to the other portions of The Public Inquiries Act, 1971, more specifically Parts I and III.

Part III deals with such matters as warrants for the apprehension of witnesses, appointment of investigators, search warrants and removal of documents. It was clear that I did not and could not have the powers enumerated in Part III. The statute, by express provision (see section 15), makes them available only by Cabinet declaration. Such a declaration was not present in this case. (As it happened, never was there a suggestion that any of the powers listed in Part III was either necessary or indicated for the proper discharge of the responsibilities of the Commission.)

Part I of the Act contains a number of provisions dealing variously with procedures, hearings and individual rights. Unlike the situation with Part III, there is no exclusionary clause (similar to section 15) which would require a Cabinet declaration to make the provisions of

Part I apply: the statute is silent on that score. Under the circumstances, as a matter of legislative construction, I adopted the posture that I was not precluded from borrowing selected sections from Part I to use as guidelines. Sections 3, 4 and 5 were felt to be noteworthy for my purposes, and they are conveniently described in reverse order.

Section 5 requires that a Commission accord to any person who satisfies it that he has a substantial and direct interest in the subject matter of its inquiry an opportunity during the inquiry to give evidence and to call and examine or to cross examine witnesses personally or by his counsel on evidence relevant to his interest (see subsection 1).

Section 4 provides that all hearings on an inquiry are open to the public, with limited exceptions which are specified. In camera hearings are permissible only where the commission is of the opinion that matters involving public security may be disclosed at the hearing; or intimate financial or personal matters or other matters may be disclosed at the hearing that are of such a nature, having regard to the circumstances, that the desirability of avoiding disclosure thereof in the interest of any person affected or in the public interest outweighs the desirability of adhering to the principle that hearings be open to the public.

Section 3 places (subject to sections 4 and 5) the conduct of and the procedure to be followed on an inquiry under the control and direction of the Commission. Given my mandate and the time constraints, it was absolutely vital that I maintain control and direction of the conduct and procedure of the inquiry. Quite apart from any authority conferred by section 3, I was of the view that such powers inherently belonged to me.

The subject matter of the inquiry is one that for many years has been rife with controversy. It is virtually impossible to find a person without an opinion of one sort or another. Viewpoints are almost invariably strongly held and usually fixed. Each of the three local English dailies have taken editorial stands. Court proceedings of various types at all levels have seen a see-saw battle over the years and, indeed, even as this Commission was sitting, there was outstanding litigation. At the municipal level, there was a political impasse, to the extent that resolution was not in sight. Risks of confrontation were great in an unstable situation with built-in antagonism and emotions running high. For these reasons, even before inviting submissions regarding procedures, I had reached the conclusion that there would be well-publicized hearings and that all of them would be open to the media and to the public. Looking at the provisions of section 4 of the Act as a guideline, I could not conceive that any matters involving public security would arise or that intimate

financial or personal matters or other matters of the kind contemplated by the section would be disclosed so as to outweigh the desirability of keeping the hearings open to the public.

To close the hearings was, in my opinion, to undermine the Commission.

A decision was made to hold two types of public hearings which I describe as "informal" and "formal".

Informal hearings were to take place in the evenings so that members of the public who wished to make submissions could do so with a minimum of inconvenience. It was my feeling that the airing of the issues involved could fairly be limited geographically to Metropolitan Toronto. I invited submissions to the contrary, but none were put forward. Accordingly, I decided that informal hearings would be located in representative locations within Metropolitan Toronto.

Mine was essentially a fact-finding mission. Facts and figures had been recited in support of various positions taken and in many instances these data were inconsistent and some even contradictory. It appeared important that formal hearings for the taking of sworn evidence be conducted, and I heard submissions along those lines. Two requests for what was referred to as "status" at the formal hearings were made: on behalf of the City of Toronto and on behalf of the residents of the Toronto

Islands.

I had, before the meeting convened to settle procedures, already appointed counsel for the Commission. This step was taken to facilitate the eliciting of sworn testimony, especially in delicate areas, and to minimize, if not altogether to negate the possibility of the Commissioner assuming an adversarial role.

In considering whether or not to confer "status" on any parties, I pointed out that I was, in my opinion, not legally required to do so. At the same time I recognized and gave expression to what I saw as a duty upon me: the duty to act fairly. As a gauge of fairness, I adopted the test contained in section 5 of the Act: that status should be accorded to a person or body who satisfied me that he, she or it had "a substantial and direct interest" in the subject matter of the inquiry.

After deliberating, I determined that the residents of Toronto Islands had "a substantial and direct interest". The Commission was conducting an inquiry into the future use of the lands upon which their residences stood. Accordingly, they were granted status.

I determined further that the City of Toronto likewise had "a substantial and direct interest". The lands in question fall geographically within the borders of the City of Toronto, any residents on the Islands are City of Toronto electors, and realty taxes for residential improvements to the lands accrue to the City of Toronto. Under

these conditions, I felt obliged to and did grant status to the City of Toronto as well.

A review of the listing of persons who made representations at the meeting convened for the purpose of settling procedures (August 14, 1980) will disclose that no one made submissions on behalf of the Municipality of Metropolitan Toronto. Notwithstanding the absence of any such submissions and the resultant failure of a request for status on behalf of that Corporation, I felt compelled to make what might be considered by some an unusual ruling. On the basis that the Municipality of Metropolitan Toronto was (subject to any claims which have or may be made otherwise) the owner of the lands comprising the subject of the Inquiry, I granted status to that Corporation.

For the purposes of this Commission, I defined status as the right to be represented, to call evidence, to cross-examine witnesses and to make argument. I added that this type of involvement would normally be limited to formal hearings which would take place in Hearing Room No. 1, 21st floor, 180 Dundas Street West, Toronto, the building in which the Commission offices were located. The formal hearings were ordinarily to take place during the day, but I was willing to be somewhat flexible in this regard.

Written submissions were invited and encouraged.

This is an appropriate juncture to discuss certain requests which were put to, perhaps even urged upon, the Commission. I was asked to retain experts in the planning field to serve as consultants and conduct certain surveys. These requests were considered carefully and reviewed over a number of weeks. My ultimate decision was to choose not to accede to these requests. Apart from the use of what could amount to a significant sum of public funds and a concern about the restricted period of time available to the Commission, I did not view the employment of planning experts as necessary or desirable. There were easier ways. The positions taken by the City of Toronto on the one hand, and by Metropolitan Toronto on the other, were at odds in respect of whether the residential community on the Toronto Islands should be retained. Each of these municipalities had planners on staff whom I fully expected to be called as witnesses, and they were. They were examined and cross-examined, and I had the opportunity of questioning them in their fields of expertise. There was always the risk in the back of my mind that the hiring of an independent planning expert would give the appearance of my having abdicated my responsibility. Furthermore, had I hired a planner, I would have most certainly made the study results public. I took my terms of reference as being broader than and not limited to planning principles. I did not want to chance undue emphasis being placed upon the results of any study which would not have had before it the universe of

evidence and resource materials enjoyed by the Commission, and which study would have looked at the matter from what I consider to be a limited perspective.

No sufficiently parallel situations to that of the Toronto Islands were brought to the attention of the Commission. Neither I nor members of the Commission staff had reason to, nor did any travelling, in connection with Commission business.

Informal Hearings

Various factors were considered necessary to observe in planning for the informal hearings. These included: wide publication of advance notice; scheduling meetings in the evening; spacing meetings over a period of weeks to allow adequate time for preparation in the instances of those who required it; and holding a sufficient number of meetings to afford each and every person who desired to speak a chance to do so. With respect to meeting places, it was felt important to select representative locations geographically within Metro Toronto; to ensure convenient access by public transit; to secure seating for everyone; and to strive for accommodation which would be looked upon as neutral.

In advance of each of the informal sessions for the receipt of oral submissions, paid notices of a respectable size were inserted in the Globe & Mail, Toronto Star and Toronto Sun newspapers. Numerous press releases were issued and announcements made giving particulars of these sessions. Members of the press corps accorded their cooperation and assistance came also from community cable television personnel to alert the public of the meetings.

All informal meetings took place on Thursday evenings and commenced at 7:00 p.m. The first was held on August 21, 1980 and the last on September 18, 1980. Four meetings were needed and no one who expressed the wish to make an oral presentation was denied that opportunity.

Each of the four meetings was held in a different area municipality. The places of hearing were easily accessible and large enough to house all those assembled.

As it happened, all informal hearings were held on "neutral ground". The Commission sought jealously to avoid utilizing any premises owned or operated by organizations which were closely involved with or had taken a stand on the issues. Counsel for the residents of the Toronto Islands, at the inaugural meeting, asked that a hearing be held on the Toronto Islands. This I took to be a reasonable request and sought to oblige. It became evident, upon exploration, that the only suitable building in which to convene such a hearing was the Clubhouse of the residents at Ward's Island. After a great deal of thought and with some reluctance, I decided an exception should be made and announced that a hearing would take place there. Shortly after the announcement, however, Counsel for the residents made further submissions on the point. He indicated that there was a risk of perceived partiality if the Commission went ahead with the scheduled meeting at the Ward's Clubhouse. He had consulted with his clients in this regard and withdrew the earlier request. Under these circumstances, I had little hesitation in cancelling the plan, and am pleased with the manner in which these events transpired.

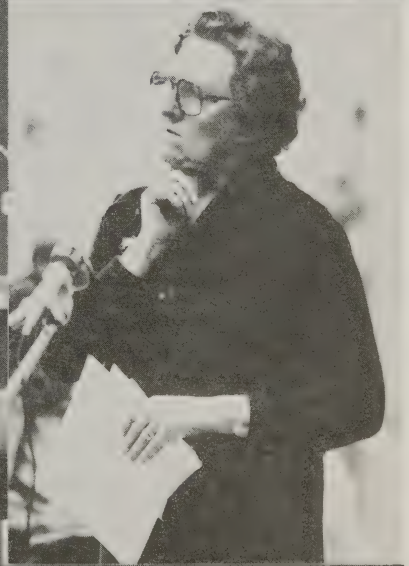
The following are the particulars of the dates and places of the four informal hearings:

<u>Date</u>	<u>Area</u>	<u>Location</u>
August 21, 1980	South	Auditorium Medical Sciences Building 1 King's College Circle City of Toronto

<u>Date</u>	<u>Area</u>	<u>Location</u>
August 28, 1980	North	Assembly Hall Education Centre 5050 Yonge Street City of North York
September 4, 1980	East	Auditorium East York Collegiate 650 Cosburn Avenue Borough of East York
September 18, 1980	West	Auditorium St. Joseph's College 3700 Bloor Street Borough of Etobicoke



In all, there were 73 oral submissions made at the informal hearings. A full, alphabetical listing appears as Appendix A to this Report. These, together with written submissions, are reviewed later in this Chapter.



Formal Hearings

Without exception and as planned, all formal sessions took place in Hearing Room No. 1, 21st floor, 180 Dundas Street West, Toronto. The room was large enough to accommodate about 100 people and it proved adequate for the purpose. To encourage public observation and scrutiny of these formal hearings, a combination of paid advertisements, press releases and announcements were utilized. While most of the formal sittings were scheduled during the day, some were extended into the evening to make it more convenient for certain witnesses.

It was essential to move along at a swift gait to respect the time constraints of my mandate and, all the while, to enable the lawyers adequately to prepare their cases. This took some doing. Although the pace was hectic, I am personally content that a fair balance was attained.

Appearing throughout as Counsel to the Commission was Susan G. Himel. The City of Toronto (represented by John F. Rook, Esq.) and the residents of Toronto Islands (represented by Peter Y. Atkinson, Esq.) participated in the entire Inquiry. A number of witnesses attended with legal counsel and on all of those occasions the lawyer was invited to sit at counsel table and take part. By far the greatest share of the witnesses was called by Commission Counsel. As a measure of efficiency, I signed a summons in the case of

each witness whose testimony she arranged, although I am certain that in no instance was it actually necessary. Counsel for the City of Toronto and for the Island residents also called witnesses.

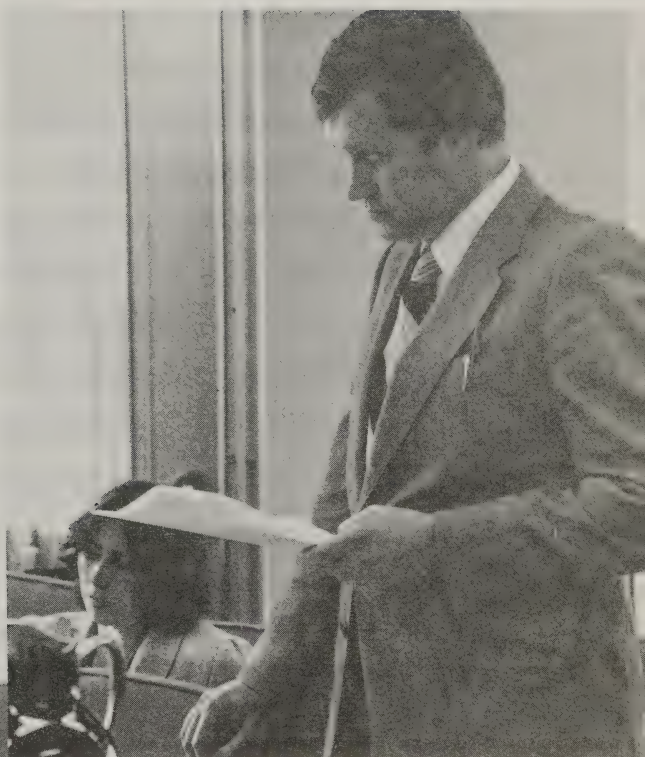
My count puts the number of persons who testified at 61. A complete listing of them by name and title or other description is contained as Appendix B to this Report. Each was sworn and examined, subject to cross-examination, re-examination and questioning by me. I took advantage of the opportunity and personally questioned witnesses in extenso. Within reason, I gave a wide latitude to the lawyers.

I have already alluded to my decision to award to the Municipality of Metropolitan Toronto "status" to participate fully in the inquiry. They did not participate in an official way in the manner that the City of Toronto and the Island residents did. The Metropolitan Corporation did not assign nor dispatch legal counsel to represent its interests. This was unfortunate in some respects and I did some hard thinking about whether it would prejudice the proper discharge of the responsibility of the Commission. (No comment is offered by me as to the wisdom or otherwise of Metropolitan Toronto's failure to take its place as a party represented.) I came to the conclusion that the problem was not insurmountable. Metropolitan Toronto obviously had a position and it was vital that it emerge before the Commission. With this in mind, I instructed

Commission Counsel to ensure that she bring out the full and comprehensive picture, with due regard for the advancement of those elements consistent with the position taken by Metro. She spent many days and evenings with senior staff of Metro and arranged for them to testify before me. It would be foolhardy and presumptuous for me to advise that this was tantamount to actual representation by Metropolitan Toronto. I am, however, able to state without discomfort that Metro's point of view found its way to the Commission and was considered within the context of all points of view.

In total, there were 29 days of formal sittings of the Commission, during a period enduring just over 10 weeks. The first session was held on August 25, 1980 and the final on November 5, 1980. Of those, 26 days were for the taking of evidence and the last three for the submission of final argument from the lawyers.

Each and every session (including the informal ones) were the subject of official verbatim reporting and all in all produced 3,629 pages of transcript. Some 299 exhibits were filed and marked and an additional 5,557 pages of materials were involved as a result.



Written Submissions

From the very outset, it was recognized that some would find it inconvenient, embarrassing or inappropriate in other ways to express their views in a public forum. Written submissions were, accordingly, invited even before the inaugural public meeting. The initial paid advertisements asked for opinions, comments and information from all interested individuals and organizations. This invitation was extended repeatedly thereafter. Any submission received before this Report was finalized was given consideration.

The Commission received a great deal of correspondence about the subject matter of the Inquiry and it was not always certain whether an item was intended to be a "submission" in the stricter sense of the word. In those instances where there was any doubt, the communication was treated as a submission.

Written submissions were to form part of the materials to be considered in the Inquiry. It was not good enough that they should come to the attention only of the Commission. To follow that course would be to conduct a component of the business of the Commission in private. I decided, therefore, that copies of these submissions would be given to those parties with status. From time to time, as they accumulated, copies of submissions were handed to

Mr. Rook for the City of Toronto and Mr. Peter Atkinson for the Island residents. My thoughts were directed to the posture of this exercise as it related to Metropolitan Toronto to which, after all, I had granted status. Metro could have participated in the formal sessions (although it did not), but it would presumably not be aware of written submissions. To be consistent in my approach, I caused to be taken to the Office of Mr. Paul Godfrey, Metropolitan Toronto Chairman, copies of all written submissions concurrently with their delivery to the other parties with standing.

Apart from those with status, I wanted there to be a manageable mechanism for the dissemination of the written submissions to the public at large. Through the vehicle of press releases, members of the media were invited to examine the written submissions and some advantage was taken of that offer.

There were a total of 170 documents initially classified as written submissions. Of these, 27 represented second or subsequent written submissions. A further eight, in the final analysis, are more akin to general correspondence, and have been instead handled as such. One submission was unsigned.

The remaining 134 written submissions are particularized in Appendix C to this Report. These, together with oral submissions made at the informal hearings, are reviewed in the section immediately following.

Review of Submissions

This section treats both the oral submissions made at the informal hearings of the Commission and the written submissions received by it.

It is not an easy task to present their contents here. They cannot be said to constitute a random sampling of public opinion. No scientific surveys of popular views were conducted by or on behalf of this Commission. I did not feel that such exercises would be productive, given my suspicion that the chances were high that members of the public generally were not in possession of the reliable facts which it was my duty to find.

The most that can be said of the submissions made is that they represent the views of the individuals or collective bodies by or on behalf of whom they were presented or sent. To what extent the views expressed are representative of the overall populace who did not contact the Commission, I cannot say.

What weight should be attached to the submissions? This, too, is difficult to know. Does one attach greater or lesser weight to a submission depending upon his or her calling; relationship to or independence of the issue; place of residence; the size and nature of the group represented; and so on?

Certain basic features of the submissions are facile to convey. Specific attention was directed to the "bottom line" views found in them. By "bottom line" view, I mean whether or not they wanted the residential community to be retained. For what it is worth, the submissions were further categorized into those presented or sent by an individual or by a group or organization.

Dealing first with the oral submissions, in the case of the 73 presentations (listed in Appendix A), every one of them took a stand, as indicated below:

<u>INFORMAL HEARINGS</u> <u>ORAL PRESENTATIONS</u>			
SUBMISSION ON BEHALF OF:	RESIDENTIAL COMMUNITY SHOULD:		TOTAL
	BE RETAINED	NOT BE RETAINED	
Group or Organization	14	1	15
Individual	49	9	58
TOTAL	63	10	73

Turning now to the written submissions, it was already mentioned that these came from 134 identifiable sources (listed in Appendix C). Thirty of these also made oral submissions along similar lines. These 30 are reflected in tabular form above and, to prevent duplication, are excluded for the purposes here of examining the written submissions. Of the remaining 104, three did not take a stand on the main issue. The 101 submissions which did

take a stand stack up as follows:

WRITTEN SUBMISSIONS			
SUBMISSION ON BEHALF OF:	RESIDENTIAL COMMUNITY SHOULD:		TOTAL
	BE RETAINED	NOT BE RETAINED	
Group or Organization	6	3	9
Individual	65	27	92
TOTAL	71	30	101

Looking at the tables, no matter which way you slice them, the marked majority of submissions showed support for the retention of the residential community on the Toronto Islands: speakers very much more so than writers. Combining the two tables, of the total 174 submissions analyzed, 134 or 77.0 per cent were in favour of retaining the community.

All of the oral presenters specified reasons for their positions. On the written side, 14 did not supply reasons, but simply communicated what they felt should happen to the community. Needless to say, some reasons were more frequently put forward than others. Still, I think that it would be less than useful here to offer a critical and in-depth analysis of the reasons cited in support of or in opposition to the continuation of the residential use on the Islands: the weight to be attached to the various reasons in these unscientific circumstances cannot properly be distributed simply in terms of how often a particular reason has been stipulated.

I am content, however, to identify, without quoting incidence, the reasons advanced both for community retention and non-retention.

The following reasons were enumerated in support of retaining the residential community:

- there is already enough parkland on the Islands and crowding is not a critical factor
- there should not be additional parkland at the expense of the residential community
- there should not be commercial development in place of the community
- there are unused and inaccessible lands on the Islands that could be developed as parkland
- new parkland can be created artificially by landfill
- Metro has no plan for the further development of the Island Park
- park proposals would make the Islands a stereotyped playground
- Metro has no money to develop more parkland
- park development was lagging in earlier instances where Island homes were demolished
- Metro Parks have done nothing to attract visitors to Ward's and Algonquin
- Islands are used as a neighbourhood park and not by Metro residents - Metro residents want to go out-of-town
- there is now sufficient parkland throughout Metro and especially on the waterfront
- the 1956 decision for Metro to assume the Islands totally for parks purposes is outdated because of parkland development in the interim
- other parks are underutilized

- the need for parkland is with respect to neighbourhood parks as opposed to regional parks
- a trip to the Islands is expensive for suburban families
- it is the ferry service and not the Island Park which is overcrowded
- there is inadequate parking near the mainland ferry docks to cope with an expanded Island Park
- there are fewer ferry passengers than in previous years
- if the residential community were gone, ferry service would be curtailed and the Island Park would be limited to daytime summer use
- the residential community on the Islands is historically significant
- the residential community on the Islands existed long before Metro's proposals
- there is a need to preserve existing communities
- strong neighbourhoods make successful cities
- vocal minorities frequently act as the conscience of society
- parkland can be created, but a similar community cannot be
- the residential community on the Islands is unique in many respects
- the residential community on the Islands is a model carless community
- the Island community is a demonstration of an alternate lifestyle
- the Islands are enhanced by the presence of the community
- people prefer the atmosphere of Ward's Island to Centre Island, "Centreville"
- the residential community provides a tranquil atmosphere minutes from the heart of the City

- the mainland population supports the retention of the Island community
- the general public does not care one way or the other
- it is in the self-interest of other communities to support the Island community
- the Islands are safer for visitors because of the residential community
- the Islanders provide a security service and curtail vandalism
- the Island residents are law-abiding and there is a low crime rate
- the Islanders provide social services to visitors and other residents
- the Islanders pay for the services they get
- the Island residential community is an ideal environment for raising a family
- the costs of uprooting and relocating the community are too high
- it would be cruel and inhuman to evict the Islanders
- there would be an adverse psychological effect on the residents if the community were displaced
- cities need a combination of old and new buildings and communities
- mixed land use is best
- there is a shortage of affordable housing
- the housing crisis is worse now than when the decision to evict was made
- other non-profit co-operative housing developments lease public lands
- the expropriation of the Island community will set a bad precedent
- tenants have a right to be protected from eviction

- there has been a change of values since the 1956 decision to convert the Islands entirely to parkland
- there is no moral justification to remove homes
- longstanding residents of Algonquin Island were unaware that they would not be given long-term lease extensions in 1968
- it is not fair to allow the yacht clubs to remain and require the residential community to leave
- the dispute is a political confrontation only
- the population of Metro is not increasing as projected
- the Toronto Island School serves Island and mainland children and provides employment for teachers
- wildlife may not remain in a manicured park

Those opposed to the retention of the residential community gave the following reasons:

- the Toronto Islands are a unique park setting
- the Islands belong to everyone
- the lands were always public and intended to be used as a park
- the City of Toronto sold the Islands to Metro on the understanding that they would be parkland
- Metro has made an extensive investment in converting the Islands to a park
- Toronto has low parkland area
- the Islands are overcrowded
- the need for parkland will increase with downtown development
- the expanding population requires more parkland
- new parkland developments exist only on paper (Harbourfront) or are inaccessible (Leslie Street Spit)

- converting the Island lands to parkland is in the best interests of all citizens
- the Island community denies access to visitors
- visitors are reluctant to share space with the residents
- the Islands are no place for housing
- Islanders are not required as a security service
- the Islanders are not paying "rent"
- the Islanders are not paying taxes
- the taxes on the Island residences are too low
- the Island community is a costly tax burden
- if the residential community were to stay, a sewage system would be too costly
- public funds have been spent because of the stalling tactics of the residents of the Islands
- the Islanders are a privileged group living on public lands
- jealousy, in the sense that the Islanders have a good thing going, to be able to live there
- the Islanders are financially well-off
- the Island residential community is a slum area
- Island homes are shacks
- septic tanks on Ward's Island stink on some hot days
- absentee "owners" are profiting from "tenants"
- if the community were to remain, the residents would profit
- if the community were to remain, speculators would profit and push the original tenants out
- the Islanders are breaking the law
- the Islanders are making a mockery of the law
- the Islanders are encouraging civil disobedience

- the Islanders are setting bad examples for their children
- Metro has the legal right to evict the Islanders
- the Island residents should honour their contractual agreements
- other Islanders vacated when they were given notice
- to allow the Island residents to remain would be unfair to those who did leave
- many Island residents are newcomers and knew of eventual eviction
- the Island residents are squatters
- the Island residents have had ample time to relocate
- alternative affordable housing was available to Islanders at the time of the decision to evict them was made
- many Island residents have other residences
- most summer Island residents have other homes
- as gasoline prices rise, people will resort to the Islands
- the yacht club situation cannot be compared - they need land and water - they add beauty and interest
- the Toronto Island School is an unnecessary expense - it is an unfair tax burden

While the myriad of reasons you have just read is necessarily somewhat imperfect simply because it is a point-form précis of hundreds of pages, I am satisfied that it is, by and large, a sufficiently accurate and hopefully an essentially exhaustive reflection of the submissions placed before the Commission by the public. How does one handle all of these?

To begin with, not all points offered were relevant. With respect to those which I felt were, in one way or another I endeavour to deal with them in this Report. Some of the reasons took the form of facts and it was obvious at the outset that they were right or they were wrong. Certain factual allegations have been capable of easy proof or disproof. Others are simply incapable of facile validation or otherwise, as they involve a judgment call. A number of the reasons put forward are based upon social values and mores, some with an emotional twist. To the best of my ability, I discuss and consider the various points of view in a manageable manner.

During the life of the Commission, many other areas of consideration came to my attention. These have arisen through submissions of counsel, by what witnesses have said, or from what I read in exhibits filed or in other data sources. (Other data sources are discussed in the next section of the Report.) Not all of these areas were covered in the oral and written public submissions. Nonetheless, relevance to my terms of reference has been the key, and whatever I believe to be relevant is dealt with in this Report.

Other Data Sources

The findings of this Commission are based mainly upon the sworn evidence at public hearings, the oral submissions made in public, and written submissions (which members of the media were invited to examine).

Other sources of data were "Hansard", the official reports of debates in the Legislature of Ontario; official reports and minutes of the Council of the Municipality of Metropolitan Toronto and its Committees; and official reports and minutes of the Council of the City of Toronto and its Committees.

Reference was had, from time to time, to the statutes of Ontario and Canada.

In addition, I studied the official law reports and judicial decisions of cases involving residents of the Toronto Islands and the Municipality of Metropolitan Toronto, having to do with the matters at hand.

Three books were helpful in providing background. They are:

- M.J. Lennon Memories of Toronto Island:
10 Minutes and 1,000 Miles
Away (The Boston Mills
Press, 1980) (entered as
an exhibit);
- Mike Filey Trillium and Toronto Island
(Peter Martin Associates
Limited, 1976); and
- Students of Toronto A History of The Toronto
Island Public School Islands (The Coach House
Press, 1972).

Counsel who were granted status and participated fully in the Inquiry were told by me of the materials I was using for resource purposes. All of these materials were readily available to them.

Now, in retrospect, I can state unequivocally that the entire breadth and scope of the Commission of Inquiry into the Toronto Islands was in every way an open inquiry, subject to public scrutiny in every sense of the term.

Form of this Report

To the best of my ability, I endeavour in this Report to make it as comprehensive as possible. There is a compelling reason to do so in this instance. I am but only one person. While I have taken pains to be objective in the conduct of the inquiry, the reasoning which leads to my conclusions and recommendations must, of necessity, suffer a degree of subjectivity. Just to what extent my values are shared by others, I do not know. In order for the reader to make a sound decision on whether my recommendations are appropriate and acceptable or, indeed, even meaningful or logical, their foundations must be reasonably fully presented.

Need for Speedy Resolution

It need not be reiterated here that the recommendations contained in this Report are not binding in any way. Whether or not they are accepted, it is essential that the controversy be settled, one way or another. Part of the mandate of this Commission has been to seek and present the facts. Assuming that this document is released to the public, and I have every reason to believe that it will be, some time will be necessary to digest it. I will not conceal my hope that this Report is able to serve as a moderating influence on heretofore fixed positions.

A decision on the critical issue - whether or not the Island community is going to remain - must, in all fairness, be made as soon as humanly possible. Too much is at stake for too many people to defer that decision any longer. All concerned are entitled to know where they stand. To look at the positive side, what has gone before is a healthy exercise in respecting democratic principles. That is not to say that it has not been painful. Indeed, many have been wounded. It is not useful for the controversy to be prolonged. The quicker the direction and ultimate resolution, the sooner the healing process may start.

If this Report is in some measure successful in softening the stances of key parties, it goes almost without saying that a solution will come more easily. In the event, however, that hard lines are maintained, the fate of the Island community falls squarely within the hands of the Province.

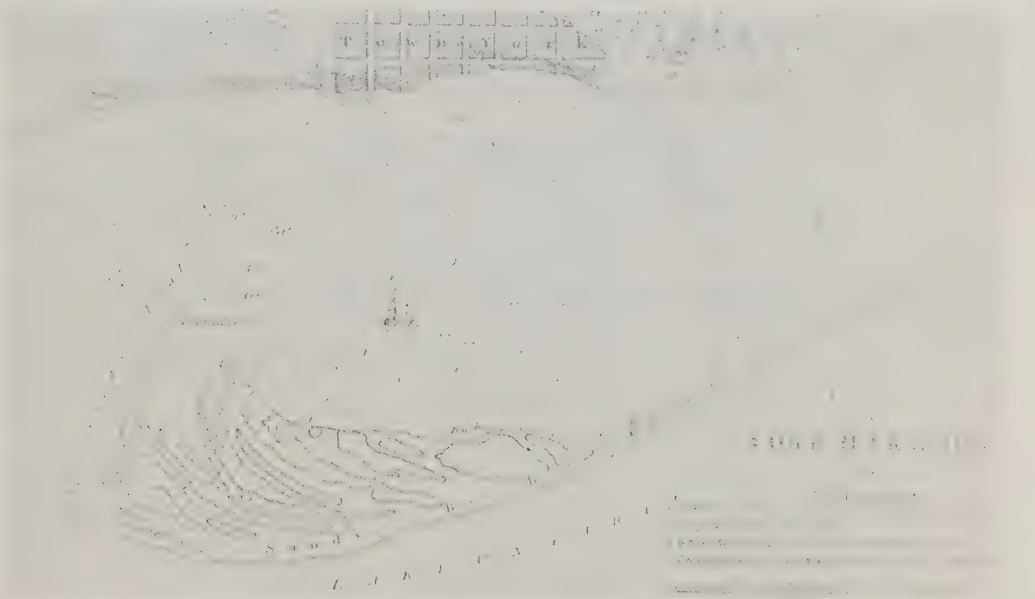
GEOLOGY AND GEOGRAPHY

1. THE SANDBAR
2. THE SOURCE
3. THE STORM
4. THE SIZE AND SHAPE
5. THE SHIELD

The Sandbar

The receding waters of Lake Iroquois gradually took the outline of Lake Ontario as we know it circa 6,000 B.C. It is said that about that time a thin strip of sandy beach began to show. This strip was attached to the mainland at the east and looking westerly it formed a series of hooks. As time passed, it became more substantial and eventually it hosted vegetation. The sandbar was to become known as the Toronto Islands.

Bouchette's chart, below, shows the "sandbar" as a peninsula in 1815.



The Source

According to geologists, the Toronto sandbar is a product of the Scarborough Bluffs, a high ridge to the east. Sand and clay eroded from the bluffs by wave action would be transported westward by what is termed "littoral drift". Current emanating from the Niagara River may have had some effect. The hook-like shapes were formed by the forces of prevailing winds from the west and surface currents which also served as agents to combat additional growth to the west.

The Storm

Even though the Toronto Islands were frequently referred to as the "island" before the 1850's, in fact until that decade it was a peninsula. It was a four-mile strip joined to the mainland near the mouth of the Don River. The connecting piece was a narrow neck of beach which from time to time would be washed away. Breaches in the peninsula were caused by heavy storms in 1852 and 1853 resulting in severance. The connection was restored after each storm through the natural redeposit of sand.

A permanent separation measuring about 1,500 feet came about directly from a peculiarly violent storm on April 13, 1858. In the process, Quinn's Hotel (scheduled to open the next day) was washed away. The opening created a navigable waterway: the Eastern Gap. Thus, the "island" had become an island in the true sense of the word.

The chart by Unwin, on the next page, shows "The Island" in 1868.

THE ISLAND

CITY OF TORONTO,

as surveyed by

C. UNWIN, P.L.S.

A.D. 1868.

Scale: 400 Feet to an Inch
0 500 1000 1500
EAST CLARK & SONS, LTD., TORONTO.

Note: This is a reduced Plan of "Plan D.M."
Filed in the Registry Office, Toronto.
W. BOWEN, TOWN & COUNTRY
Surveyors, &c.
Toronto
August, 1875.



The Size and Shape

An indication of the increasing size of the Toronto Islands in the last century is to be found in total area measurement figures published by the Toronto Harbour Commissioners, as follows:

1879	360 acres
1912	563 acres
1975	820 acres

Not all of the increased acreage is attributable to nature. A significant portion of it was created by dredging and landfill operations.

About 1915 or 1916, three Harbour Commissioners' dredges doubled the area known as Ward's Island. The photograph below shows filling operations adding land to Ward's Island.



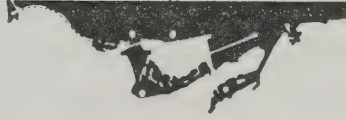
Algonquin Island (earlier known as Sunfish Island) was born entirely from dredged sand between 1907 and 1909. Its purpose was to form a protected channel for small boats. In 1937, that Island was enlarged.

Based upon my count, there are to-day 15 islands in the Toronto Islands archipelago, ranging in size upwards from 0.8 acres. So far as I have been able to ascertain from reading various maps, only eight of them are named: Centre; Mugg's; Donut; Forestry; Olympic; South; Snake; and Algonquin. Ward's Island is not a separate island, but is actually the eastern portion of Centre Island.

The changing configuration of the Toronto Islands chain can readily be seen by looking at various maps over the years. These gradual changes are amply demonstrated in the excerpt taken from the 1980 edition of the Toronto Harbour Commissioners' chart of the Port and Harbour of Toronto, appearing on the next page.

TORONTO WATERFRONT

1980



1959



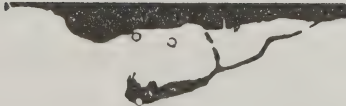
1912



1886



1834



The Shield

The Toronto Harbour Commissioners began in 1958 to construct a narrow "spine" of land, known as the "Leslie Street Spit", in order to create an outer harbour for the Port of Toronto. Karl Jaffary, one of five Toronto Harbour Commissioners, testified that the land on both sides of the "Outer Harbour" was to be used for industrial development.

The Spit was built over a number of years using trucked-in fill. Ian Brown, General Manager of the Toronto Harbour Commissioners, gave evidence about the Eastern Gap requiring yearly maintenance dredging because of siltation, making it impractical for use as the main entrance into the harbour. By about 1972, the Spit was sufficiently advanced to protect the Eastern Gap. The Federal Government then agreed to finance a one-time dredging project which would create a shipping channel of seaway depth in the Outer Harbour and widen and deepen the Eastern Gap. The dredged material was used to enlarge the Spit, creating what has also become known as "Aquatic Park".

What effect the resulting "shield" will have on the future configuration of the Toronto Islands is not entirely clear. The planning firm of Wallace, McHarg, Roberts and Todd, which was retained by the Central Waterfront Planning Committee and the City of Toronto Planning Board, concluded in 1976 that:

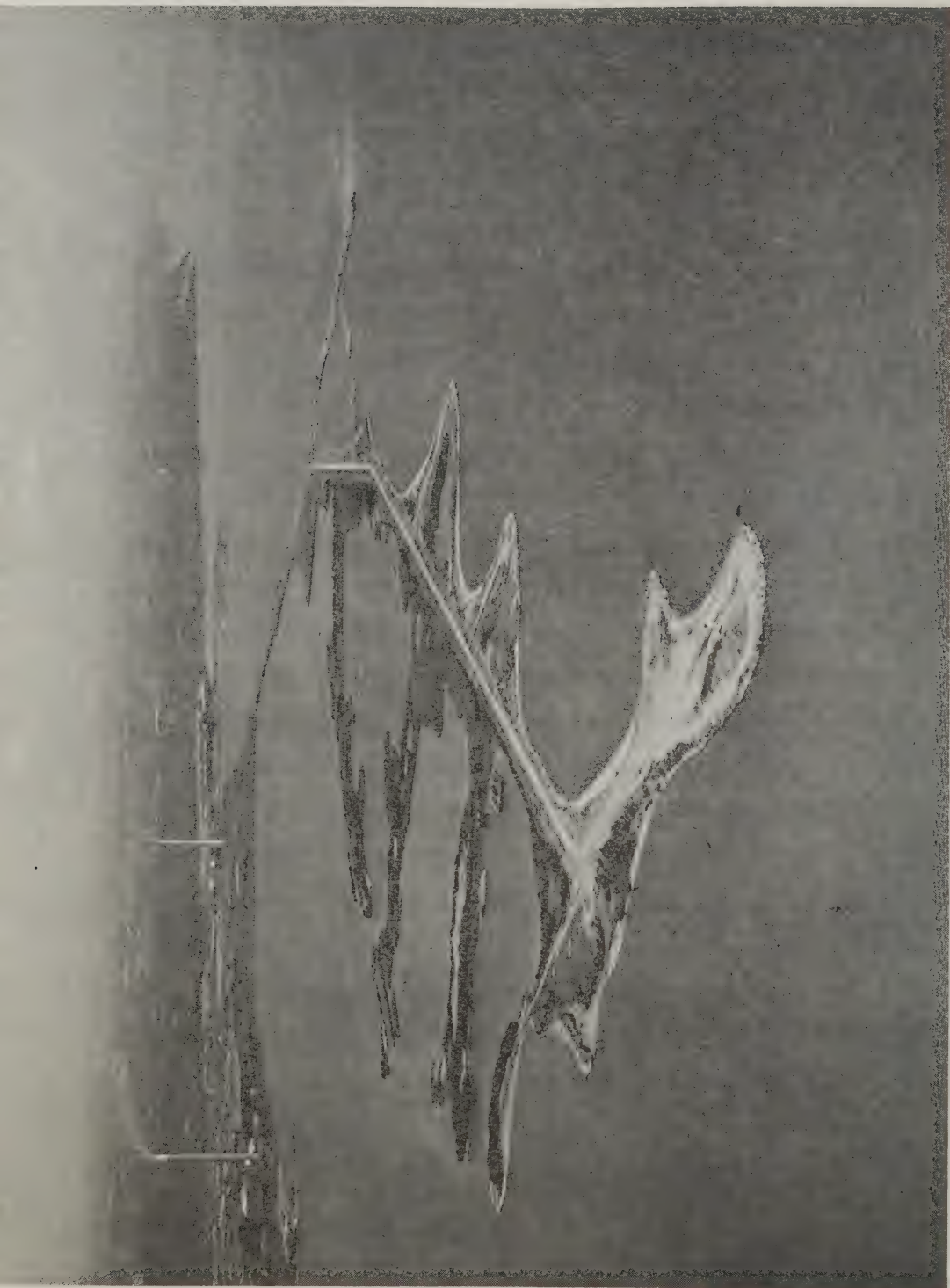
The volume of sand that reaches the Toronto Islands is decreasing now that the Scarborough Bluffs have been stabilized, and since barriers to littoral drift have been constructed east of the Islands. Consequently, substantial additions of littoral deposits which occurred in the past can no longer be anticipated.

Mr. Brown said that the drift of silt from the Bluffs to the Islands has presumably been reduced, but that the Spit has lowered the wave action from the southeast. However, Mr. Brown also testified that the high water levels of 1973 and 1974, together with the change in the predominant wave action because of the Spit, resulted in erosion of the Ward's Island shoreline. Approximately 100,000 cubic yards of dredge material were required to replenish the beach.

Alan Howard, Curator of the Marine Museum of Upper Canada, testified that breakwaters have been constructed to protect portions of the south shore of the Islands, but they are primitive and only partially effective.

According to Wallace, McHarg, Roberts and Todd, south-westerly storms produce winds and waves which erode Centre Island near Gibraltar Point at a rate of approximately 1.37 yards per year. This erosion on the south side of Gibraltar Point has been balanced by accretion on the north side: the net change in the area of Gibraltar Point between 1879 and 1972 was a gain of 2.1 acres.

A recent aerial photograph of the Leslie Street Spit appears on the following page:



chapter three

ISLAND OWNERSHIP

1. SEQUENCE
2. INDIAN CLAIM
3. HARBOUR COMMISSIONERS' INTEREST
4. POSITION ADOPTED

Sequence

The terms of reference of this Commission are "to inquire into the appropriate future use of the lands on Algonquin Island and Ward's Island in the City of Toronto, that on the 19th day of October, 1979, were occupied and used for residential purposes".

My attention was directed to certain media stories which indicated that the question of ownership of the Toronto Islands might be somewhat unsettled. I had before that time been under the general impression that the Municipality of Metropolitan Toronto was the owner of the Toronto Islands, with the exception of the Toronto Island Airport.

It occurred to me initially that, whatever the ownership situation, the particular lands described in my terms of reference could have an "appropriate future use". Such being the case, I did not then see the ownership issue as being crucially germane to the development and completion of my task.

I was not long into my work on this Commission before I recognized that, for a number of reasons, the ownership aspect was one I could not safely ignore. These reasons will become evident as this Report is read. Broadly speaking, it is not so much the claims to ownership alleged or asserted by third parties that cause me to investigate and explore this area. Even if it were assumed that Metropolitan Toronto is vested with legal title, its own claim to title can be defeated depending upon the use of the lands, according to law.

History shows that the present site of Toronto formed part of the original Toronto Purchase from the Mississaugas of the New Credit in the year 1787. There appear to have been some mistakes and misunderstandings with respect to that agreement and there was a remedial transaction in 1805.

By Land Grant dated five days before Confederation (June 26, 1867), the Province of Canada granted the following lands on Toronto Island to the City of Toronto:

ALL that Parcel or Tract of Land, situate in the Liberties of the City of Toronto, in the County of York, in Our said Province, composed of ALL that part of the Peninsula which forms the HARBOR of the said CITY OF TORONTO, lying West of the Gap and known as the ISLAND with the exception of a Block or tract of Land of ten acres at and adjoining the Light-house to be hereafter surveyed and its boundaries defined in a manner most suitable for the said Light-house....

Pursuant to section 108 and item 2 of the Third Schedule to The British North America Act, 1867, "Public Harbours" (as of July 1, 1867) were to be the property of Canada. This, of course, vested ownership of Toronto Harbour in the Queen in Right of Canada.

Through Letters Patent dated June 4, 1896, Her Majesty the Queen in Right of Canada and Her Majesty the Queen in Right of Ontario granted and quit claimed to the City of Toronto the lands described as:

all and singular that certain Parcel or Tract of Land covered by the waters of the Harbour of Toronto, and of Lake Ontario, being water lots extending around and along the shores of Toronto Island, which Island was heretofore granted by the Crown to the Corporation on the 26th. day of June, A.D. 1867, the boundaries of which water lots may be more particularly described as follows;- The outward boundary thereof commencing at a point on a line drawn on a course of due West from the North-west angle of the Westerly pier of the Eastern Channel leading into the said Harbor, where the said line is intersected by a second line drawn parallel with the West face of said pier, distant two hundred feet Westerly therefrom and measured at right angles thereto; thence in a course of due West astronomically six hundred feet; thence South twenty-two degrees forty-five minutes West astronomically, three thousand seven hundred and twenty feet; thence North eighty-five degrees, thirty-five minutes West astronomically, five thousand five hundred and twenty feet; thence North forty-four degrees, forty-eight minutes west, astronomically, two thousand nine hundred and eighty feet; thence South fifty-one degrees, forty minutes West astronomically, two thousand and fifty feet more or less to the intersection of a line drawn parallel with the Western shore of said Island, and distant five hundred feet Westerly therefrom and measured at right angles thereto; thence Southerly, South-easterly and Easterly along said line drawn as aforesaid parallel with the shores of said Island to a point on the secondly above mentioned line where it is intersected by a line drawn on a course of due West from the South-west angle of the said Westerly pier of said Eastern Channel; thence Northerly along the secondly above mentioned line, one thousand seven hundred and thirty feet more or less to the place of beginning; the inward boundary thereof being the outward boundary of the lands owned by said Corporation by virtue of the said grant of the twenty-sixth day of June, one thousand eight hundred and sixty-seven.

In the year of their creation (1911), the Toronto Harbour Commissioners received title from the City of Toronto to a certain area which embraces a good portion of the Toronto

Islands as they exist now. This identical area became the subject of an agreement in 1915 between the Commissioners and the City, which agreement may have had the effect of creating a tenancy with the City of Toronto as tenant and the Commissioners as landlord.

When it was decided that the Municipality of Metropolitan Toronto would assume the Toronto Islands for the purposes of converting them into a regional park, the Ontario Legislature enacted The Municipality of Metropolitan Toronto Amendment Act, 1956. That amendatory statute provided, in part, that "all land comprising Toronto Islands owned by the City of Toronto and all rights of the City of Toronto to use and occupy land comprising Toronto Islands owned by The Toronto Harbour Commissioners, except such portions of all such lands as are set aside and used or required for the purposes of the Toronto Island Airport", were to be vested in the Metropolitan Corporation as of January 1, 1956. This vesting provision is currently to be found in subsection 1 of section 210 of the Act.

Subsection 5 of section 210 of the Act is critical in any consideration of title and should be mentioned here. It provides that if any of the subject land vested in Metro and any Toronto Islands land subsequently conveyed by the Toronto Harbour Commissioners to Metro ceases to be used for parks purposes, Metro is required to transfer the

land to the City of Toronto. The subsection, however, is expressed not to apply to any land so long as it continues to be used as at the 1st day of January, 1956, under any then existing lease or renewal or extension thereof.

Simply to complete the picture here, subject to any claims that may be made otherwise, the lands comprising the Toronto Island Airport are severally owned by the Toronto Harbour Commissioners, the City of Toronto and the Federal Government. A more detailed analysis of the Toronto Island Airport appears later in this Report.

Indian Claim

On the very day I was appointed to be sole Commissioner, I read an account in the newspaper about a resolution introduced by the Mississaugas of the New Credit Indian Band at the All-Ontario Chiefs' Conference. The resolution, in its preamble, referred to the Municipality of Metropolitan Toronto planning to turn the Toronto Islands into a municipal park and that the Mississaugas of the New Credit had never ceded these islands to Canada. By the resolution, the Mississaugas were seeking support from the chiefs for their claim to ownership of the Toronto Islands and for the proposition that the Mississaugas have the sole authority to determine the future use of these islands. Voting on the resolution was apparently not reached, but it was reported that leftover voting would be done by mail. Another news story the same day indicated that Robin King, Acting Chief of the Mississaugas said his Band would be taking action to lay claim to Toronto Island.

In the light of these news developments, I asked Commission Counsel to bring any relevant evidence before me. Mr. Harry LaForme, legal counsel to and member of the Mississaugas New Credit Indian Band testified before the Commission.

According to Mr. LaForme, the Band has a membership of a little better than 500, including non-resident members. The on-reserve population of about 400 reside on an area of about 5,000 acres, about 15 miles southwest of Brantford, in the southwest corner of the Six Nations Reserve. Most are unemployed, a lot are general labourers and some are seasonal pickers. There are also a few small farmers but they just barely sustain themselves.

Mr. LaForme told us that the Band recognized itself once as a nation and were known as the Nation of Mississaugas. They occupied vast territories of what is now Canada, most of which was in southern Ontario.

In his explanation, the Mississaugas' claim is for personal and "usufructuary" rights to the land, rather than ownership in its usual meaning. This is because the courts have deemed Indian rights in land to be at the will of the Sovereign. He further described these rights as a form of title likened to a carpet covering a floor and "once you remove the carpet which would be the Indian right to land, what is underneath is the Crown's in right of Canada ... so to avoid that long legal description we simply called it ownership".

The Mississaugas' claim to the Toronto Islands is based on the assertion that the land surrendered to the Crown did not include the peninsula which later was separated from the mainland to form the Toronto Islands. Mr. LaForme said that where a peninsula was to be

included in a surrender, reference to it was specifically made. No such reference was made in the Toronto Purchase.

The original Toronto Purchase took place at the Bay of Quinte in September of 1787, but the details of this first agreement are unclear and neither the boundaries of the tracts purchased nor the exact price paid appear to be known. A confirmatory transaction took place at the Credit River in 1805 to remedy mistakes and misunderstandings arising from the Toronto Purchase of 1787. Mr. LaForme testified that this surrender consisted of approximately 250,800 acres for which the Mississaugas received ten shillings.

Percy J. Robinson cited a different purchase price in an article entitled "The Chevalier De Rocheblave and the Toronto Purchase" published in Transactions of The Royal Society of Canada, Section II, 1937. Mr. Robinson indicated that in exchange for the surrender of the Toronto lands, the Mississaugas received arms, ammunition and tobacco in 1787, an unknown quantity of goods in 1788 and \$8,500. in 1805 as payment for the land between Toronto and the head of the Lake.

Mr. LaForme advised the Commission that the Mississaugas Band had been gathering evidence in support of its claim for approximately six years. Although the Band had not instituted any claim with the Federal Government, Mr. LaForme indicated that the Band believes that it has a valid claim and has every intention of pursuing

it. He stated that the Band would seek compensation and a declaration of its right to the Toronto Islands and expressed his hope that the claim could be resolved within two years.

The Commission was told by Mr. LaForme that if the claim were successful, the Islands would be used as a reserve for the members of the Band and the existing residents would be permitted to remain.

When asked what position the Commission should take in relation to the claim, Mr. LaForme made it clear that the Band intended to assert its claim through the usual channels for Indian claims, which he described. They would not want a Commission (such as this one) rendering an opinion or decision on the validity of their claim. So as not to prejudice their claim, the Mississaugas requested that Mr. Laforme not provide this Commission with a map showing the land involved in the Toronto Surrender.

I was most interested in knowing whether the claim of the Mississaugas included all of the Toronto Islands, bearing in mind that the geographical configuration of the Islands has changed substantially over the last two centuries. The area known as Ward's Island was doubled by dredges in 1916: Algonquin Island is entirely a twentieth century creation from dredged sand. It is the

case, therefore, that most of the land upon which the remaining residences now sit was not even in existence in 1787, the year of the Toronto Purchase. I got the sense from Mr. LaForme's testimony that the actual physical boundaries of his clients' claim were something they would have to negotiate.

Harbour Commissioners' Interest



This Commission received correspondence from Ian Brown, General Manager of the Toronto Harbour Commissioners, which indicated that Commissioner Karl Jaffary would like to meet to explain certain title issues affecting the Toronto Islands. As a result, Counsel to the Commission called Mr. Jaffary as a witness.

The Toronto Harbour Commissioners, as they exist to-day, were constituted on May 19, 1911, when the Parliament of Canada enacted The Toronto Harbour Commissioners Act, 1911. Subsection 2 of section 15 of that Act is important for the purposes here, because it gives the Commissioners power to acquire, expropriate, hold, sell, lease and otherwise dispose of real estate or other property. Mr. Jaffary advised this Commission that the Harbour Commissioners' interest in the Toronto Islands is based primarily upon two written agreements between the Commissioners and the City of Toronto made respectively in 1911 and 1915.

By conveyance, dated December 26, 1911, the City of Toronto transferred the title to certain water lots to the Toronto Harbour Commissioners. The area involved in this conveyance include what to-day is most of Algonquin Island, some parts of

Ward's Island, much of Mugg's Island and a small portion of Centre Island. A memorandum of agreement between the Commissioners and the City, dated January 25, 1915, was executed by the Chairman and Secretary of the Commissioners, under corporate seal, and by the Mayor and Treasurer of the City, under corporate seal. The agreement provided that the City would take possession of and retain jurisdiction over all lands described in the conveyance of December 26, 1911, which were dry land on the date of the conveyance, or subsequently became dry land as a result of filling operations by the Commissioners or with the consent of the Commissioners. In addition, the City was given full power to enter into any agreements for the use and occupation of the dry land and was entitled to retain for its own benefit any rents and profits received under the agreements. The purpose of using this type of agreement, rather than transferring title back to the City, appears to have been to give the City full jurisdiction to use the lands, while retaining the Commissioners' general jurisdiction over the port and harbour of Toronto, and over the lands described in the 1911 conveyance as part of that jurisdiction.

The issue of the ownership of these lands arose again when a Solicitor for Metro pointed out that Metro had no jurisdiction to operate a park on lands

which it did not own. The Harbour Commissioners agreed to convey the title to the lots described in the 1911 and 1915 agreements to either the City or Metro, subject to the approval of the Federal Government. By Order-in-Council dated July 12, 1956, the Committee of the Privy Council approved the conveyance. No formal transfer was made, however, because Metro felt that the problem had been avoided through amendment to The Municipality of Metropolitan Toronto Act. The amendment vested in Metro, as of January 1, 1956, subject to the existing leases, all lands comprising the Toronto Islands owned by the City and all rights of the City to use and occupy lands comprising the Toronto Islands owned by the Toronto Harbour Commissioners, except for the Toronto Island Airport.

The Harbour Commissioners obtained a legal opinion in 1978 from A.J. Stone, Q.C., of the firm of McTaggart, Potts, Stone and Herridge concerning title to the land described in the conveyance of 1911. It was hoped that the opinion would help to clarify the Commissioners' legal position in relation to this land. Mr. Stone found that both the conveyance of 1911 and the memorandum of agreement of 1915 were valid. His conclusion is that the Commissioners own the land and the City has a tenancy of indefinite duration. However, Mr. Stone

went on to state in his opinion that even if the indefinite tenancy were found to be invalid on legal grounds, Metro would be entitled to remain in possession of the land on equitable grounds. The equitable right to continue in possession would arise because, for many years, the City and then Metro have occupied the land and made expenditures with the express or implied consent of the Commissioners.

Mr. Jaffary advised the Commission that the Harbour Commissioners had not pursued this matter beyond obtaining the legal opinion. He said that the Harbour Commissioners would think it quite inappropriate to attempt to terminate the agreement of 1915 "but on practical considerations rather than legal ones, we do feel a little awkward being the landlord of the land on which most of the homes sit". According to him, the Harbour Commissioners have rejected the thought of terminating the agreement unilaterally. There was some discussion about the possibility of referring the issue to a Court for a ruling as to what the status of the agreement was. The Harbour Commissioners did not want to do that particularly but they would be pleased to permit either Metro or the City of Toronto to do it in their name. They have not been taken up on that suggestion.

Position Adopted

As I have already stated, the lands which are the subject of my study are capable of an appropriate future use regardless of ownership. In that sense, in no way was I impeded, irrespective of any claim bruited, in performing my work.

Dealing first with any interest the Toronto Harbour Commissioners might have, I am left with the notion that they are unlikely to be pressing forward with any claim in a formal, legal fashion. Nevertheless, I believe they do have a very real legal interest in a sizeable portion of the Toronto Islands, including residential areas. That interest is serious enough to have caused the drafters of the 1956 legislation (transferring ownership of Island lands to Metro) to include in the vesting clause the words "and all rights of the City of Toronto to use and occupy land comprising Toronto Islands owned by The Toronto Harbour Commissioners". In other words, there is at least an implicit recognition that the Harbour Commissioners own certain portions of the Islands. What was vested in Metro was only the rights of the City of Toronto to use and occupy those particular portions of the Toronto Islands. It is not especially purposeful nor neat and tidy that the Toronto Harbour Commissioners should retain any interest in the portions of the Toronto Islands under

review, and I will have something to say about that in the recommendations of this Inquiry.

A reading of the evidence of Mr. LaForme suggests that the Mississaugas of the New Credit have every intention of pursuing their claim. If and when, should it ever happen, that the Mississaugas successfully have their claim legally determined in a competent legal forum, "that bridge will have to be crossed". In the absence of such a determination, however, for the purposes of this Report I adopt the position that the residential Island lands are effectively owned by Metropolitan Toronto. While so doing, I expressly state that I have not particularly studied nor do I pass opinion on the validity or otherwise of the claim to the Toronto Islands laid by the Mississaugas. Their wishes that I not do so are respected.

The use to which the Islands are put will have a bearing on ownership because of the very terms of the legislation which vested Island lands in Metropolitan Toronto as of January 1, 1956. Subject to any then existing leases or renewals or extensions, if any of the lands cease to be used for parks purposes, Metro is required to transfer the land back to the City of Toronto. Consequently, I proceed on the basis that, for all practical purposes, the residential lands on Toronto Islands are owned by Metropolitan Toronto provided that they are used for parks and recreation.

chapter four

HISTORY OF SETTLEMENT

1. THE EVOLUTION
2. CENTRE ISLAND
3. HANLAN'S POINT
4. WARD'S ISLAND
5. ALGONQUIN ISLAND

The Evolution

The peninsula on the north shore of Lake Ontario which later became the Toronto Islands was first used by Indians as a spa for the elderly and ailing and for fishing and hunting fowl.

A blockhouse built by the Queen's Rangers at Gibraltar Point in 1793 is said to be the first structure erected on the Islands. The lighthouse, also at Gibraltar Point, followed in 1808. The lighthouse keeper's shack located just northwest of the lighthouse was the first known dwelling on the peninsula.

Fishermen, hunters and horsemen were the main inhabitants of the Islands in the early 1800's. The first families to settle on the Island lands were fishermen. The Ward and Goodwin families were amongst the earliest settlers, noted to have arrived in about 1830.

In the 1830's and 1840's, hotels were built and there were various modes of ferry service to the peninsula. In 1839, Lord Sydenham built a large three-storey summer home which became a hotel in 1843. A small amusement park was operated next to the hotel. This hotel and another small one were washed away by the severe storm of 1858 which created a permanent breach of the peninsula from the mainland. One of the hotels was rebuilt near the present Centre Island ferry dock.

By the mid-1800's, the Island known as "Hiawatha" gained in popularity and more ferry boats began operating. Following the Crown grant of the Islands to the City of Toronto in 1867, a plan was registered and cottage development officially began. Streets were laid out, areas subdivided and lots leased for individual and commercial uses.

During the 1870's, summer homes were established by the Toronto aristocracy with cottages stretching from Hanlan's Point through Centre Island to the westerly edge of Ward's Island.

The City of Toronto established a 200-acre Island Park in 1888. Hotels built in the 1880's on Hanlan's and Ward's Island, the Hanlan's Amusement Park and Toronto Baseball Stadium at Hanlan's, attracted large numbers of visitors. By the turn of the century, there were approximately 3,000 summer residents mostly located at Hanlan's and Centre Island. A tent city was organized in 1913 on Ward's Island to accommodate those who simply pitched tents there for the summer months. With the advent of the automobile, the "elite" of Toronto left the Islands as a vacation site and began travelling to cottage country at Lake Simcoe.

The late 1930's saw the construction of the Island Airport at Hanlan's Point and cottages were floated over to "Sunfish Island", a man-made area which later became known as Algonquin Island. Because of housing shortages following World War II, Island homes were winterized and the population of year-round residents swelled to 2,700 in 1947, with a summer population of 8,000.

By the early 1950's, the Island Park had deteriorated, and with severe flooding in 1952, substantial improvements were needed. As a result, a request was made by the City of Toronto to the Metropolitan Corporation to assume the Toronto Islands and develop them as a regional park. The plan on the following page depicts the situs and density of the residential communities at Hanlan's, Centre, Algonquin and Ward's on the eve, so to speak, of the assumption of the Toronto Islands by the Municipality of Metropolitan Toronto.

MUNICIPALITY OF METROPOLITAN TORONTO
PARKS DEPARTMENTCITY & METROPOLITAN
PARKS DEPARTMENT TORONTOPLAN
TORONTO ISLANDS

Traced from Councils 1400 Swains Point
Flux Data May 1980 Tazewell Mass 1986

THESE FORMS CONSTITUTE THE ENTIRE CONTENT OF THE BOOK

Through the vehicle of Provincial legislation, the Toronto Islands were transferred to Metro as of January 1, 1956.

The Metropolitan Toronto Parks Department commenced its demolition of the homes on Hanlan's Point moving easterly through to Centre Island. These tenants held compensation leases.

Non-compensation leases on Algonquin and Ward's were all fixed to expire on December 31, 1968, when the demolition of homes and development of a park throughout was set to occur. Following annual extensions of leases on Ward's and Algonquin Islands for five years, Metropolitan Toronto decided to carry its park development programme through to easterly portions of Toronto Islands. It sent notices of termination which were to be effective as of August 31, 1974.

A number of court proceedings followed as Island residents endeavoured to retain their community. The last of those proceedings resulted in a determination in Metro's favour, but recent legislative intervention has halted the eviction process until at least July 1, 1981.

Centre Island

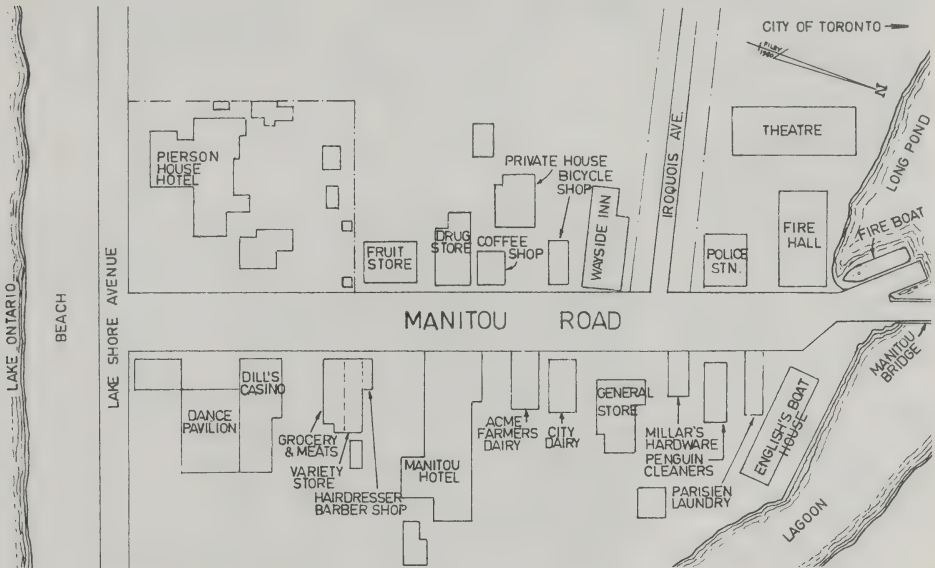
A hotel built on Centre Island in the 1870's was one of its first attractions. Elaborate Victorian-type cottages owned by the Toronto "aristocracy" stretched along Lakeshore Avenue to the westerly end of Ward's Island. By the 1880's, the number of summer residents on the Island was substantial enough to support an Anglican Church and St. Andrew-by-the-Lake was constructed in 1884.

In 1911, the Island Filtration Plant was constructed on Centre Island and thereafter provided the water supply for the entire Toronto area.

A fire in 1918 destroyed the Lakeside Home (built in 1883) for handicapped children, located on Gibraltar Point. The home was replaced by buildings used as barracks for the Norwegian Air Force during World War II. Those structures were converted later into apartments known as Chetwood Terrace.

Following World War II, the "Main Drag" of Centre Island (Manitou Road) was in its hey-dey. It consisted of a small village housing a general store, hotels, a theatre, a grocery and meat market, a drugstore, a coffee shop, a fruit stand, and a number of other commercial enterprises. The police station and firehall were also located on Manitou Road.

In her book "Memories of Toronto Island", M. J. Lennon published a map of Manitou Road, which she described as "the commercial and social heart of the Island". That map, reproduced below, was reconstructed by witness James Filby and entered as an exhibit in the proceedings of the Commission.



Metropolitan Toronto acquired 259 leasehold properties on Centre Island in 1956. Following the demolition of homes on Hanlan's Point, the properties on Centre Island were razed. The area has since been developed into a park with restaurants, refreshment stands, picnic facilities and the flower-lined "Avenue of the Islands".

Hanlan's Point

In the 1870's, the area formerly known as West Point, surrounding the hotel built by John Hanlan, was renamed Hanlan's Point after the famous Island family. An amusement area, born next to the hotel in the mid-1880's, boasted rides, a sideshow, a dance hall, a restaurant, a vaudeville theatre and other attractions. A baseball and lacrosse stadium was built on Hanlan's Point in 1897. Hanlan's became known as the "Coney Island" of Canada.

When
you visit
Toronto
don't
fail
to visit

Hanlan's Point

The
Coney
Island
of
Canada

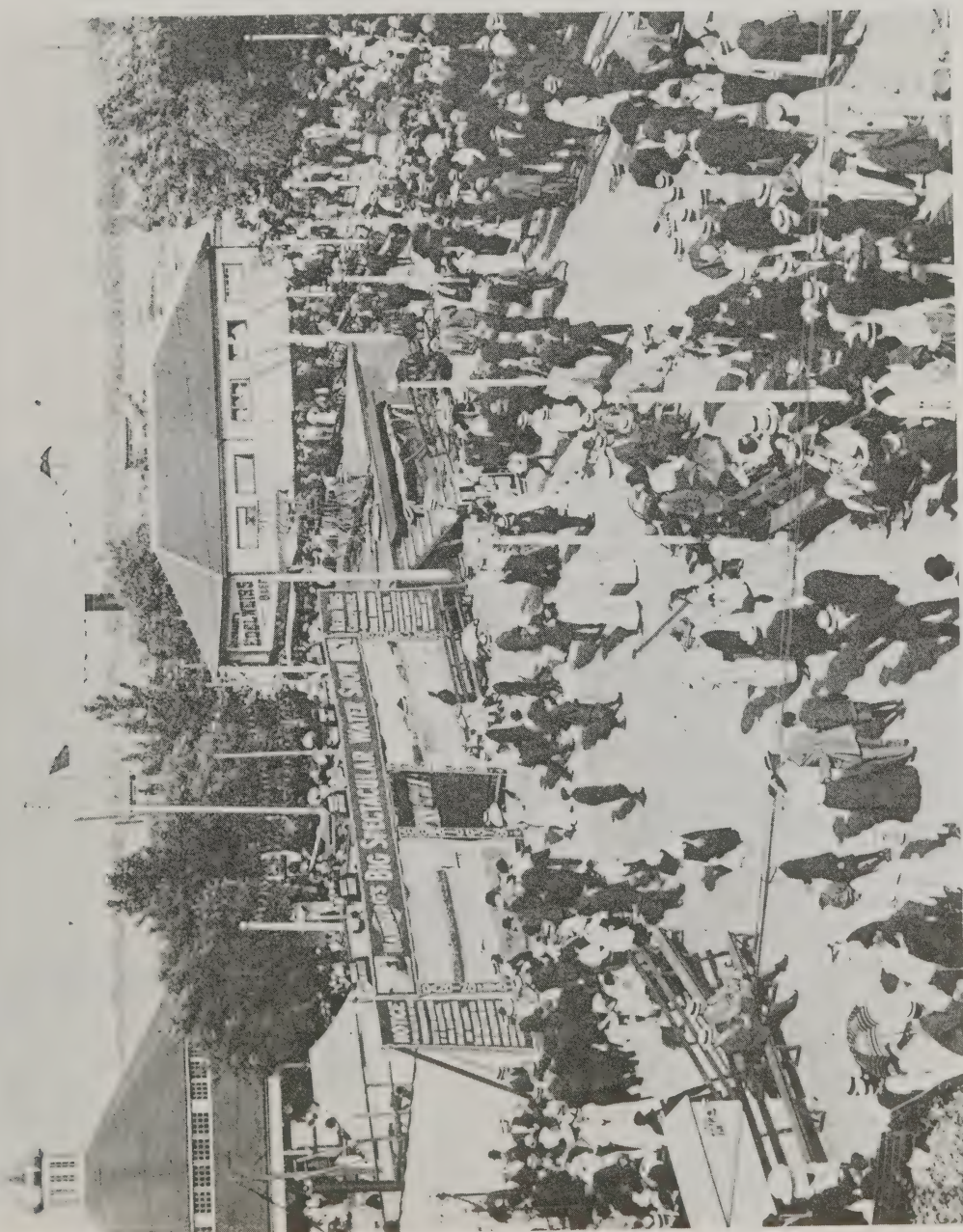
Boats
every few
minutes from foot
of Yonge St.

Toronto
Ferry Co.



Although the baseball stadium was destroyed by fire in 1903, it was quickly rebuilt. In 1909, however, a major fire destroyed that ball stadium and most of the amusement park. The stadium was rebuilt again.

The photograph below shows Hanlan's Point
Amusement Park in 1912.



The creation of Sunnyside Beach and Amusement Park in 1922 and the increasing use of the automobile are said to have contributed to the decline in popularity of Hanlan's Point. By 1926, the Toronto Maple Leaf baseball team relocated from Hanlan's Point to the mainland and the stadium was eventually torn down.

Although Hanlan's Point was a popular location for summer cottages on the Islands, the site was chosen for the Island Airport and cleared of some homes in 1937. A number of these homes were floated by barge to the enlarged Sunfish Island which then became known as Algonquin Island.

As of 1956, when the Metropolitan Corporation assumed the Toronto Islands, there were 117 leaseholds. These properties were the first to be demolished.

Ward's Island

In the 1880's, the Ward's Hotel and Wiman Baths attracted visitors to this easterly portion of the Toronto Islands. The first summer colony on Ward's in 1899, consisted of eight tenants, each of whom paid a fee of \$10. ground rent for the season.

The community on Ward's Island evolved into a hybrid of large cottages located on the Western lakeshore area and the "tent city" which began to develop around the turn of the century.

A typical structure at Ward's around 1908, is seen in the photograph below:



In 1913, there were so many people pitching tents on Ward's, that the City of Toronto had to organize the "tent city" area into streets. Subsequent landfill operations expanded the size of Ward's Island substantially.

By the mid-1930's, residents began building rooms, mostly kitchens onto their tents and the evolution from tents to cottage structures began. Annual leases for lots were entered into with the City of Toronto.

With the post-World War II housing crisis, Island tenants were encouraged to winterize their cottages, and many on Ward's Island did so.

The Metropolitan Corporation, upon assuming the Toronto Islands in 1956, acquired 160 leaseholds on Ward's Island. For some time, Ward's Hotel carried on as a grocery store for residents, but it was eventually demolished. The homes on Ward's had non-compensation leases and Metropolitan Toronto fixed their termination date for December 31, 1968. However, with short-term extensions granted until 1974, and through a combination of circumstances thereafter, 147 homes still exist to-day.

Algonquin Island

Algonquin Island was created by landfill operations which expanded what was known as Sunfish Island. Many of its first residences were those floated by barge from Hanlan's Point in 1937 to enable construction of the Island Airport. The remaining lots were quickly taken up and new cottages constructed.

Following World War II, Algonquin Island was almost totally occupied by permanent year-round residents due to the housing shortage on the mainland.

In 1956, there were 107 leases acquired by Metropolitan Toronto on Algonquin Island. To-day, 103 of those premises are occupied.

chapter five

OTHER PARKS

1. AUTHORITIES AND JURISDICTION
2. WATERFRONT PARKS
3. CITY OF TORONTO PARKS
4. OTHER METROPOLITAN TORONTO PARKS

Authorities and Jurisdiction

Planning of and control over parks geographically located within the Municipality of Metropolitan Toronto are the concern of a number of agencies and levels of government.

Toronto Harbour Commissioners, formally created in 1911, own a substantial portion of land throughout the central waterfront, including many water lots. They are involved in planning for the central waterfront area, and control the construction and use of the Eastern Headlands (otherwise known as "Aquatic Park" or the "Leslie Street Spit"), and provide policing and lifeguard services for waterfront parks.

The Federal Government has land holdings on the central waterfront extending from Stadium Road on the west and going east along the water lot areas running on the north shore of the Toronto Harbour headland and over the western side of the York Street slip through a parcel north of Queen's Quay on York Street. In 1972, these lands were purchased by the Federal Government to serve as an urban park and are currently managed by the Harbourfront Corporation which is charged with the overall planning function of the site. This is to include the creation of a mixed use development, with special emphasis on a public place providing recreational and cultural activities.

Ontario Place and the lands and water lots outside the inner harbour and south of the limit of the Toronto Harbour Commissioners' water lots are owned by the Province of Ontario.

Metropolitan Toronto owns Exhibition Place and other waterfront parks including Coronation Park, Battery Park, Gore Park and the Toronto Island Park. It has general responsibility for planning for the whole of Metropolitan Toronto and is heavily involved in the creation of a regional parkland system.

In 1970, the Metropolitan Toronto and Region Conservation Authority (MTRCA) was appointed by the Ontario Government to control land development in hazardous areas under The Conservation Authorities Act and to implement "The Waterfront Plan for the Metropolitan Planning Area" (December, 1967) outside the central sector. Its jurisdiction is generally from the Pickering/Whitby Townline running west to the Mississauga/Etobicoke boundary, excluding the central sector. The central sector lies between Coxwell Avenue on the east and Dufferin Street on the west and, with respect to it, MTRCA was assigned responsibility for the preparation of a master plan for the lands that were created by dredging the outer harbour. That plan involved the creation of large areas of boat mooring space, swimming and camping activities and a wildlife sanctuary (leading to the name "Aquatic Park").

Generally speaking, the MTRCA has been involved in the creation of various waterfront parks. Once those parks were ready for operation, it has turned them over to the Metropolitan Toronto Parks Department.

Neighbourhood and local parks located within the City of Toronto are owned and operated by the City and include, on the waterfront, a small park at Harbour Square and the Fort York lands. In addition, it leases the Cherry Beach Park and McCleary Park from Metropolitan Toronto.

Both the Metropolitan Toronto Planning Department and the City of Toronto Planning and Development Department are heavily engaged in the planning and development of waterfront and other parks within their respective jurisdictions.

The Central Waterfront Planning Committee was created in 1973 to develop planning proposals for the central waterfront on a short and long-term basis. The Technical Committee of that Committee consists of representatives from the City of Toronto Planning Board, the MTRCA, the Metropolitan Toronto Parks Department, the Metropolitan Planning Board, the Ministry of State for Urban Affairs and the Toronto Harbour Commissioners. According to Simon Chamberlain, Program Manager-Research of the City of Toronto Planning and Development Department, the Central Waterfront Planning Committee has been preparing a coherent Central Waterfront Plan which is currently in

revised preliminary draft form.

This Commission heard evidence from representatives of the Toronto Harbour Commissioners, the Metropolitan Toronto and Region Conservation Authority, the Metropolitan Toronto Planning Department, the Metropolitan Parks and Property Department, the City of Toronto Planning and Development Department, and Harbourfront Project. Their testimony and exhibits filed were of great assistance in placing the Toronto Island Park in the context of waterfront planning generally and in determining what other developments have taken place in terms of the creation of waterfront parks since the assumption of the Toronto Islands by the Metropolitan Corporation in 1956.

Waterfront Parks

In the last 25 years various levels of government have expended their resources on the creation and development of waterfront parks in Metropolitan Toronto. Through their concerted efforts, the Toronto Waterfront has become an important recreational resource attracting large numbers of visitors annually.

According to a chart prepared by Simon Chamberlain of the City of Toronto Planning and Development Department, the official parks and recreation areas in the central waterfront as of 1980 consist of some 1,172 acres as compared with some 812 acres in 1955. Particulars of these changes as obtained from him are contained in the table below:

<u>CENTRAL WATERFRONT</u> <u>OFFICIAL PARKS AND RECREATION AREAS</u> <u>INVENTORY CHANGES: 1955 TO 1980</u>		
NAME OF PARK	ACREAGE	
	1955	1980
Aquatic Park	0	248
Battery Park	0	4
Cherry Beach	20	28
Coronation Park	23	23
Exhibition Place	170	176
Fort York	25	25
Gore Park	5	5
Harbourfront (Maple Leaf Ball Park)	18	37
Harbour Square Park	0	8
Islands Park	545	552
Leslie Street Ramp Lands	0	3
McCleary Park	6	6
Ontario Place	0	55
York Street Ramp Lands	0	2
TOTAL	812	1,172

Mr. Chamberlain also pointed to what he termed as "informal recreation areas" available now which were not in 1955 and puts the total of these areas at 43 acres.

Michael Garrett, Administrator of the Water Resources Division of the MTRCA testified about waterfront parks developed by that Authority. From his evidence, a comparison of the waterfront parkland situation now and ten years ago has been reduced to the following table:

<u>WATERFRONT PARKS DEVELOPED BY</u> <u>METROPOLITAN TORONTO REGION</u> <u>AND CONSERVATION AUTHORITY</u> <u>MISSISSAUGA/ETOBICOKE TO AJAX/WHITBY</u>		
NAME OF PARK	ACREAGE	
	1970	1980
Marie Curtis	58	58
Humber Bay East	0	46
Western Beaches	90	90
Ashbridges Bay	0	84
Bluffers West	0	19
Bluffers	0	120
Cudia-Sylvan	0	55
Guild Inn	0	77
Lower Rouge	19	19
Petticoat Creek	0	173
TOTAL	167	741

Mr. Garrett also mentioned a number of other park areas or areas planned for parkland. These have not been included in the table appearing immediately above for various reasons, such as the opening of the park has not yet occurred; the area is not yet accessible; and construction is still taking place. In this category are 881 acres as of 1980 (185 acres as of 1970) and embrace the following: Colonel Sam Smith; Humber Bay West; East Point Park; Frenchman's Bay; Duffin Creek; and Ajax Waterfront.

A number of areas provide parks and recreational opportunities for Metro's population, especially during the summer months. These include the Harbourfront Project with its intensive recreational and cultural activities; the waterfront parks created by the MTRCA and now managed by Metro Parks; lands owned and managed by the Province of Ontario; and lands owned by and leased to the City of Toronto.

The Eastern Headlands, created as a result of dredging by the Toronto Harbour Commissioners, consists of some 248 acres of land lying south of Leslie Street in the Toronto outer harbour. Construction of it began in 1958. Although not originally created for the purposes of parkland, this site has become known as "Aquatic Park" since the MTRCA was requested to and did produce a plan in the mid-1970's. The Toronto Harbour Commissioners

maintain control of these lands at the present time. While they are still under construction and not in a finished state, they have been used by the public since 1973.

From June through October on weekends and holidays, there is an activity programme of cycling, hiking and bus tours. In 1979, some 17,000 visitors were required to sign waiver of liability forms in order to enter upon the lands, giving an indication of its unfinished state. Ian Brown, General Manager of the Toronto Harbour Commissioners, testified that: "Every visitor to the site has to sign a waiver at the entrance holding us free and harmless from anything that might happen to them while they're out there because it is still a construction site and no monies have been spent on manicuring the area or removing some of the hazards that obviously exist when excavation material and rubble are being placed alongside the road." There is a Toronto Transit Commission bus service onto the "Spit" at those times visitors are allowed. Boat mooring facilities exist at the site.

There are a number of issues yet to be resolved concerning "Aquatic Park", some of which include the question of vehicular access to the site; the preservation of the wildlife sanctuary as opposed to the creation of an intensive water-oriented park; and which level of government shall be responsible for the costs of armouring or providing shore protection for the lands.

Regarding Metropolitan Toronto's potential involvement in the development and operation of "Aquatic Park", the matter was dealt with by Metro Council on May 3, 1977. Council adopted a recommendation originating in a report of the Parks, Recreation and Property Committee which enumerated a number of conditions which would have to be met before Metro would invest any funds in the development of the lands. Christopher Roberts, Deputy Commissioner of Parks for Metro, indicated in his evidence that none of these conditions had yet been met. Aside from some funds expended on the planning process, Metro has not involved itself financially. This reflects the position of Metro Council.

City of Toronto Parks

Ivan Forrest, Commissioner of Parks and Recreation for the City of Toronto, testified that his Department is responsible only for local and district parks within the City of Toronto, while the Metropolitan Corporation is responsible for regional parks. He said that a local park must be at least one-third of an acre in size and accommodate both active and passive recreational uses. A district park also is to provide both active and passive recreational uses but, in addition, often offers a major recreational component such as an artificial ice rink, a community centre or an extraordinary landscape feature. In contrast, he stated, the regional parks system operated by Metropolitan Toronto forms a major integrated parks system of chief natural features which serve the entire region rather than just the populace of the City of Toronto. Mr. Forrest approximated City-owned and leased local and district parks to be 1,607 acres in total.

While regional parkland is not under the jurisdiction of Mr. Forrest's Department, it was his view that there was little scope for the expansion of regional parks within the City of Toronto.

With reference to local and district parks, there are 51 neighbourhoods which comprise approximately 25 per cent of the City's population that experience serious park shortages. The Official Plan policy of the City of

Toronto calls for 1.4 acres for each 1,000 of population. To bring the numbers of acres of local and district parks up to minimum standards would require the acquisition of some 57 acres at an estimated cost of \$27,000,000. to \$28,000,000.

In terms of waterfront parks, the City of Toronto is responsible for the operation and maintenance of the Western Beaches, excluding Exhibition Place and the Federal Government lands; and the Eastern Beaches, excepting Ashbridges Bay. In addition, it owns a small park at Harbour Square and has plans to enlarge it.

Mr. Forrest proffered the opinion that there is no shortage of regional parkland within the City of Toronto. He said that "unless the attendance (on Toronto Islands) got to the situation where they were shoulder to shoulder, I don't see where a few acres is going to make any difference,...". Mr. Forrest has served 41 years with the Parks and Recreation Department and has been its Commissioner for the past 15.

Other Metropolitan Toronto Parks

The Metropolitan Toronto regional parkland system consists of large masses of land designed to accommodate the diversified interests and recreational needs of a broad Metropolitan community. By the end of 1979, the Metropolitan Corporation had acquired some 8,369 acres including special project areas such as Exhibition Place, the Metropolitan Zoo, the newly-developing Humber Arboretum and the lands of the Ontario Science Centre. Distribution of these regional parklands is detailed in the table below:

<u>METROPOLITAN TORONTO PARKS SYSTEM</u> <u>DISTRIBUTION OF REGIONAL PARKLANDS</u> <u>AS OF DECEMBER 31, 1979</u>	
REGIONAL PARK	ACREAGE
Etobicoke/Mimico Creek Watershed	15
Humber Valley Watershed	1,507
Black Creek Watershed	311
Don Valley Watershed	2,405
Highland Creek Watershed	948
Rouge River Watershed	1,757
Waterfront Regional Park	874
Toronto Island Regional Park	552
TOTAL	8,369

A picture of Metro Parks' inventory within the framework of area municipality parks is painted as follows:

<u>PARKLANDS WITHIN METROPOLITAN TORONTO</u> <u>DISTRIBUTION BY AREA MUNICIPALITY</u> <u>AS OF DECEMBER 31, 1979</u>			
AREA MUNICIPALITY	ACREAGE		TOTAL
	LOCAL PARK	REGIONAL PARK	
East York	160	561	721
Etobicoke	1,600	956	2,556
North York	1,891	2,262	4,153
Scarborough	1,870	3,259	5,129
Toronto	1,606	1,015	2,621
York	318	316	634
TOTAL	7,445	8,369	15,814

"Public open space" owned by the Metropolitan Corporation is generally classified by its staff into three types: (1) developed lands, available to the public with a reasonable amount of public service for the visitor; (2) restricted lands, where the visitor does not have free access to the land, such as a municipal golf course or the Metropolitan Zoo, where one has to pay an admission charge; and (3) undeveloped lands, which are generally a collection of lands with little in the way of public servicing, but still accessible to the public.

While some of the undeveloped lands cannot be used in the sense that they are hazardous due to erosion or flooding, others can readily be developed with a small amount of work. Generally, those undeveloped lands remain in their natural state, but are available to the public without specific servicing.

Christopher Roberts, Deputy Commissioner of Metro Parks, described how the Metropolitan Corporation acquires parkland. Those methods include acquisition through agreement with area municipalities, gifts, purchases and expropriation.

From its inception, Metro Parks, under the direction of Thomas Thompson, Commissioner for some 23 years, has held the view that the regional parkland system should, in contrast to neighbourhood or municipal parks, be regional in appeal, serve large communities, and accommodate widely diversified interests and activities.

Mr. Roberts testified that: "It is largely a laissez-faire park system that has highlights and particular centres of activity, but it suggests two important things I think. First, that the land should be managed in harmony with nature and, secondly, that it should accommodate the recreation needs of people provided that it is not at odds with the caring for the land in its natural condition."

This theory of a passive parks system is reflected

in the 1966 "Development Concept for Regional Metropolitan Parks", otherwise known as the "25-Year Development Plan", adopted by Metro Council on November 15, 1966. In general terms, according to Mr. Roberts, this 25-year plan has served as a cornerstone for the development of the Metropolitan Parks system in the last 15 years. The philosophy of "a grass and trees system" espoused by Thomas Thompson has essentially been carried forward by Robert Bundy, the current Metro Parks Commissioner.

chapter six

TORONTO ISLAND PARK

1. CITY OF TORONTO PARK AND TRANSFER TO METRO
2. DEVELOPMENT OF A REGIONAL PARK
3. USAGE OF TORONTO ISLAND PARK
4. FUTURE PLANS

City of Toronto Park and Transfer to Metro

In 1867, the Crown granted to the Corporation of the City of Toronto the lands known as "the Island" with the exception of some 10 acres adjoining the lighthouse at Gibraltar Point and the reserves at the east and west ends. The lighthouse later became the property of the City of Toronto and, in 1896, the City was granted all of the water lots surrounding the Islands. During the late 1800's, the City of Toronto granted leases for commercial and residential uses and, as well, developed the rest of the park for recreational use. In subsequent years, hotels were built, beaches became increasingly popular, and the amusement site at Hanlan's Point attracted large crowds.

A number of factors in the first half of the twentieth century caused the popularity of the Island park to subside and its condition to deteriorate. These factors include the opening of Sunnyside Beach and Amusement Park on the City-side; the relocation of the baseball club to a new home on the mainland; the increasing popularity of cottage-going to the north; and the ultimate loss of the amusement area at Hanlan's Point.

Flooding conditions on the Islands in 1952 undoubtedly had its impact.

In 1954, Council of the City of Toronto considered a number of proposals for the development of the Island park and ultimately recommended that the Islands be developed for

park and non-commercial recreational purposes only and that the Metropolitan Corporation be requested to assume the Islands as a Metropolitan park and develop it for those purposes.

The Province put the necessary legislation in place and effective January 1, 1956, the Toronto Islands were vested in Metropolitan Toronto for parks purposes, subject to then existing leases. There was a reversion clause in the legislation, providing for the return of the lands to the City of Toronto in the event that the lands ceased to be used for parks purposes.

Development of a Regional Park

From its inception, the Metropolitan Parks Department under the direction of Thomas Thompson, Commissioner, has considered the Toronto Islands a unique recreational resource which by reason of its location and the characteristics of the terrain "lend themselves admirably to a non-residential resort development which is convenient to the large mass of population...."

In the first comprehensive development plan, considered by Metro Council on February 21, 1956, Mr. Thompson described the combination of opportunities he foresaw: "Extensive beaches backed by tracts of park and interwoven with lagoons, when provided with adequate comfort stations, refectories, refreshment facilities and other attractions, provide a park in which large numbers of people will find the recreation opportunities they expect. Facilities for a wide variety of aquatic activities, a children's wonderland, pony rides, band concerts, dancing and so on, can be provided to form these attractions without profaning the natural aspects of the area."

This plan, approved in principle by Council, included the improvement of beach and picnic areas, the installation of play equipment, the provision of more refreshment facilities and the demolition of the homes acquired on Hanlan's Point. In addition,

the raising of the land levels and re-establishing of turf and trees was considered a priority to prevent a recurrence of problems experienced in 1952 by high lake levels. Landfill operations, the creation of a regatta course, and shore protection work to prevent erosion were all considered in the 1956 plan. Council also approved in principle Mr. Thompson's recommendation that residents of Algonquin Island be allowed to occupy their homes until the expiry of the leases, provided all properties be vacated by December 30, 1968. Serious consideration was to be given to the provision of a tunnel or bridge as a means of automobile access to the Islands.

On May 1, 1956, Metro Council considered a revised plan for the Toronto Islands, deferring the question of tunnel access until the Federal Government replied to the request that it fund the cost of construction.

Metro Council on December 2, 1958, adopted the recommendations of its Parks and Recreation Committee with respect to the development of Centre Island. Included in the plan were detailed proposals for acquisition of leasehold properties and the creation of, amongst other facilities, a boathouse for boat and bicycle rentals, a restaurant, specially designed picnic areas, concession buildings, pavilions and a bathhouse.

The question of access to the Islands was considered in a detailed report to Council on September 8, 1960. The various proposals and estimates for a tunnel, bridge and aerial tramway are dealt with in the next chapter of this Report. The decision was that the Metropolitan Parks Department should assume from the Toronto Transit Commission the responsibility for the operation of the ferry service on behalf of the Metropolitan Corporation. The actual assumption took place as of January 1, 1962.

Christopher Roberts, Deputy Commissioner of Metro Parks, testified about development plans for the Toronto Islands in the 1960's.

On March 23, 1965, Metropolitan Council had certain proposals before it. Future development plans included expanded picnic grounds; improved beach facilities; a campground for group camping purposes on new lands to be created east of the existing Royal Canadian Yacht Club complex; golf facilities on Algonquin Island once the residential community was gone; an amusement park on Ward's Island; and an internal transportation system throughout the Islands. Other suggested facilities included a showboat, a marine transportation museum, an underwater aquarium, a crafts village and a children's area. It was Council's decision that the reports of the Parks Commissioner pertaining to the acquisition of Island properties, the development of a campsite and

the provision of capital funds to give effect thereto be adopted, but that the balance of the recommendations contained in those reports be struck out and referred back to the Parks and Recreation Committee for reconsideration and the submission of a "balanced Parks Programme" for the entire Metropolitan Toronto area.

Arising out of Council's direction, the Parks and Recreation Committee met on numerous occasions to prepare a detailed plan as the basis of a long-range development programme for the Metropolitan Parks system. Eventually, a "Development Concept For Regional Metropolitan Parks", otherwise known as the "25-Year Development Plan" was adopted by Council on November 15, 1966.

This long-term plan described in detail the first 10 years of the operation of the Metropolitan Toronto Parks Department, reiterated the policy of a regional parks system consisting of large land areas designed to offer recreational opportunities to the broad Metropolitan population and reviewed the progress to date in land acquisition programmes. Developments for the ensuing 25 years looked to creating 10 major regional park areas. Particular goals set for Toronto Islands, following completion of acquisition of all lands, involved an amusement area to be located at Ward's Island, a Par-3 golf course at Algonquin Island, and serviced picnic areas to progress in a westerly direction from the Ward's Island dock.

While the 25-year plan for regional parks was adopted by Metro Council in 1966, by 1973 the specific plans for Toronto Islands still had not materialized. Council had, by a series of yearly extensions from 1968, permitted the Island residential community to continue to exist on a year-to-year basis.

On May 1, 1973, Mr. Thompson sought the direction of Council. He requested that either of two courses of action be taken. The first would be for Metropolitan Council to restate its intention to develop the whole of Toronto Islands as parkland and proceed with acquisition forthwith by terminating all residential leases. The second course would have Metropolitan Council declare the area as a desirable residential community and ask the City of Toronto to take back the eastern portions of the Toronto Islands, including Algonquin Island and Ward's Island, with precise boundaries to be negotiated. This latter course would entail the City of Toronto assuming local services and bringing the areas up to acceptable residential standards.

Metro Council deferred its decision on the direction it was to take on the Toronto Island Park. Instead it requested that the City of Toronto submit to the Metropolitan Parks and Recreation Committee any proposals it might have to take back the eastern portions of the Islands. At the same time, Metro

Council instructed Mr. Thompson also to report to the Parks and Recreation Committee on the general details of his plans for redevelopment of the eastern portions of the Islands.



The entire matter was considered on December 1, 1973, when Mr. Thompson provided Metro Council with his comments on the City of Toronto's study entitled "Toronto's Island Park Neighbourhoods". As well, he described developments then to date on the Islands and his plan for a simple "grass and trees" system with provision for group picnic facilities; creation of a swimming pool complex at the Ward's Island beach area; more tennis courts at Ward's Island; a children's campsite at Algonquin Island; installation of a regulation-size speed skating surface for winter use at Ward's Island; and certain other facilities. Mr.

Thompson requested that Metropolitan Council restate its intention to develop the whole of Toronto Islands as parkland and proceed with the acquisition by terminating all residential leases.



Although Metropolitan Council did not adopt Mr. Thompson's suggestions as a master plan for Toronto Islands, it did consider all of the reports before it, and decided that all leases should be terminated as of August 31, 1974. Council instructed the Metropolitan Solicitor to take the necessary action to obtain possession of all remaining residential premises on Toronto Islands.

Usage of Toronto Island Park

This Commission heard evidence from a number of experts in the parks and planning fields. Many of them indicated that parkland should not always have to be justified according to numbers of persons who make use of it. Robert Millward, Deputy Commissioner of the City of Toronto's Planning and Development Department recognized that: "There are a lot of facilities or activities or experiences that people don't measure the success by the number of people who pass through a turnstile".

Leaving that proposition aside for the moment, the factor of use is a matter which this Commission examined.

Evidence of some user surveys that Metro Parks had available to it was placed before this Commission.

In 1964, a Canadian Opinion Research Survey was done on behalf of the Metropolitan Parks Department for the purposes of ascertaining the views of Island visitors to determine the type of future development that should be undertaken and to obtain facts and opinions from them about their likes and dislikes. Some 540 interviews were conducted of individuals visiting the Toronto Islands from mid-July to mid-

August in that year. Generally, the survey results showed high approval of the Island by visitors from out-of-town and from Metropolitan Toronto. The more telling information was that persons objected to extensive commercial development on the Islands and felt that access by the ferry boats was desirable as a means of transportation. The conclusions of this survey were that development on the Islands should continue in the same style, but certain individuals felt they wanted more facilities and programme activities offered. With that survey in mind, Mr. Thompson set forth detailed and specific plans in the 1966 "Development Concept For Regional Parks" and the 1973 report, "Future Development of the Toronto Islands".

An excerpt from the Metropolitan Toronto Planning Board's "Report on Transportation to the Toronto Islands", dated February 12, 1965, was filed with the Commission and indicates the origin of users of the Toronto Island Park on a peak day. From a map formulated for that Report, it can be seen that visitors to the Islands come primarily from the area municipalities of Metropolitan Toronto. Only nine per cent of the visitors were from outside Metro.

A survey, completed in 1971 by the Rosedale Liberal Association, consisted of interviews of 2,002 visitors to the Toronto Islands from August 20 to September 20, 1970. The results of this survey were that some 30 per cent of visitors came from the inner-City area, 27 per cent from the suburbs, and 28 per cent from beyond Metropolitan Toronto. The general conclusions of that survey were that access by the ferry boats should be retained but improved and, in addition, while there should be improved parking facilities on the mainland, there should not be vehicular access to the Toronto Islands. A further conclusion, considering the origin of visitors was: "Obviously the Islands are very much a tourist attraction as well as serving both as a local and a regional Park".

The most recent survey presented in evidence is contained in the "Central Waterfront Information Base Study" on "Uses" of the City of Toronto Planning Board. Part of this study involved the interviewing of persons on the Toronto Islands from August to October, 1975. The conclusions reached were that waterfront parks are being used by people from the large Metropolitan Region as well as by the local population. The Toronto Islands, in particular, had 25 per cent more tourists than any other area surveyed. It found also that waterfront parks are regularly used, with a significant number (28 per cent) of the visitors attending waterfront parks at least once a week.

Christopher Roberts of Metro Parks explained that "invisible surveys" of people using the regional park system are not possible in the case of visitors to the Toronto Islands because information on origin and destination is usually obtained from the licence plate of a motor vehicle.

Metro Parks supplied the Commission with statistical figures dealing with permits issued for picnics at various locations on the Islands, including Ward's, Gibraltar Point, Hanlan's Point, Island Park, Olympic Island and Centre Island. The data reveal that usage of these sites for picnics over a 10-year period (1970 to 1979) is fairly constant.

Certain occupants of the Toronto Islands rent from Metropolitan Toronto on a concession basis. These are described in the Chapter entitled "Non-Residential Occupants" later in this Report.

In the 10-year period from 1970 to 1979 both inclusive, Metro received a total of \$3,283,009. rental from the various concessionaires. This was based upon total gross sales of \$21,748,122., particulars of which are contained in the tables appearing on the two pages following:

TORONTO ISLAND PARK CONCESSIONAIRES' GROSS SALES 1970 to 1974					
CONCESSIONAIRE	1970	1971	1972	1973	1974
Dalmar Foods	\$ 479,493.	\$ 436,251.	\$ 451,001.	\$ 528,814.	\$ 560,736.
Boat Livery	13,556.	24,610.	27,311.	31,746.	35,581.
Bicycle Livery	34,193.	56,001.	51,397.	49,801.	42,056.
Internal Train	64,061.	58,049.	61,150.	65,177.	N/A
Island Marina	88,649.	114,035.	178,185.	185,456.	256,581.
Beasley: Food and Souvenirs	19,167.	212,960.	284,194.	351,934.	422,048.
Amusement Rides	366,793.	318,658.	470,448.	514,775.	579,562.
Pony Rides	11,814.	12,014.	N/A	N/A	N/A
Water Cycles	20,931.	16,687.	N/A	N/A	N/A
Supplementary Transportation	N/A	N/A	N/A	N/A	21,571.
TOTAL	\$1,098,657.	\$1,249,265.	\$1,523,686.	\$1,727,703.	\$1,918,135.

TORONTO ISLAND PARK
CONCESSIONAIRES' GROSS SALES

1975 to 1979

CONCESSIONAIRE	1975	1976	1977	1978	1979
Dalmar Foods	\$ 672,603.	\$ 663,110.	\$ 679,806.	\$ 778,161.	\$ 937,796.
Boat Livery	39,635.	30,581.	26,826.	30,765.	31,118.
Bicycle Livery	41,395.	30,081.	22,159.	24,586.	30,578.
Internal Train	N/A	N/A	N/A	N/A	N/A
Island Marina	299,958.	395,083.	491,973.	511,558.	539,699.
Beasley: Food and Souvenirs	490,315.	505,299.	545,693.	787,937.	890,349.
Amusement Rides	769,621.	773,307.	863,239.	1,102,906.	1,177,589.
Pony Rides	N/A	N/A	N/A	N/A	N/A
Water Cycles	N/A	N/A	N/A	N/A	N/A
Supplementary Transportation	10,878.	13,548.	13,092.	9,502.	N/A
TOTAL	\$2,324,405.	\$2,411,009.	\$2,642,788.	\$3,245,415.	\$3,607,129.

I do not believe these figures are meaningful in determining the level of Toronto Island usage. This is dealt with in the Chapter on "Consideration and Conclusions", in the section called "Community v. Parkland".

In looking at the usage of waterfront parks generally, this Commission heard evidence from Frank Mills of the Harbourfront Project, who estimated that in 1979 they had approximately one and one-third million visitors. Ian Brown of the Toronto Harbour Commissioners talked of some 17,000 waiver forms having been signed by visitors to Aquatic Park on weekends in 1979. Michael Garrett of the MTRCA spoke of increased usage of their waterfront parks, in particular on summer weekends. He testified that on approximately 12 weekends each summer, two of the parks created by the MTRCA (Ashbridges Bay and Bluffers Park) have had to close off admission at their sites. Mr. Garrett also provided the Commission with excerpts from waterfront park use surveys done in 1973 and 1976. People using those areas originate from the Metropolitan Toronto area, but a substantial number come from the immediate area of a park.

Future Plans

Robert Bundy, Metro's Commissioner of Parks and Property, testified on his Department's plans for the eastern regions of the Islands should the residential community leave. He reiterated that the Department operates a passive system of parks and that his philosophy, too, is essentially one of "grass and flowers and trees". He would see the Toronto Islands divided into three areas. The easterly section on Ward's and Algonquin Island would be for family group picnic areas where people would go to enjoy and amuse themselves. Centre Island would be a place where groups could go to be amused and entertained. The westerly section, including the Hanlan's Point area, would accommodate organized activities such as athletics and musical events. In his evidence, he said that he would recommend to Metro Council that, in order to effect a dispersal of persons from Centre Island, the children's farm be moved to Ward's Island. He added that this would be in keeping with his Department's approach, that the eastern portions would be where people would go to amuse themselves and have quiet enjoyment.

At the present time, there are no specific detailed plans before Council for the easterly portions of Toronto Islands, in Mr. Bundy's words: "Basically because the possession of the property has been very much up in the air."

The "grass and flowers and trees" philosophy is portrayed in the following photograph of Toronto Islands parkland:



ACCESS

1. METRO PARKS FERRY SERVICE
2. A TUNNEL?
3. A BRIDGE?
4. AN AERIAL TRAMWAY?
5. WATER TAXIS
6. YACHT CLUB TENDERS
7. ISLAND AIRPORT FERRY

Metro Parks Ferry Service

Since 1962, the Metropolitan Toronto Parks Department has operated the ferry service to and from the Toronto Islands. It does so under the authority of subsection 7 of section 210 of The Municipality of Metropolitan Toronto Act, which authorizes Metro to "establish, maintain and operate a ferry service" for providing access to the Toronto Islands for so long as the Islands or any part thereof remain vested in Metro and are used for park purposes.



The Toronto Ferry Company provided transportation to the Islands until 1927 when the Toronto Transportation Company (now the Toronto Transit Commission) as agent for the City of Toronto commenced operating the service. Initially, the City of Toronto owned the assets of the Toronto Transportation Company and was responsible for the costs and deficits of the service. On January 1, 1948

the City turned over the ferry operation to the Toronto Transit Commission, transferring ownership of the vessels to the Commission and making it responsible for operating costs.

Until 1954, the City of Toronto operated a winter tug service mainly for Island employees and also made it available to Island residents. In that year, the Toronto Transit Commission began providing winter service using rented tugs operated from the foot of Yonge Street to Ward's Island and to the Island Filtration Plant. At the same time, the Toronto Transit Commission became responsible for the operation of an Island bus service for employees working there during the winter.

A freight service was operated by the Toronto Transit Commission with door-to-door pick up and delivery between the mainland and the Islands until 1959. Subsequently, freight service was provided on regular passenger boats with delivery only between the mainland docks and the Island docks.

James McGuffin, General Secretary of the Toronto Transit Commission, testified before this Commission and supplied a number of statistics relating to that Commission's involvement in the ferry service from the year it assumed it (1927) to the year it relinquished it (1961). The passenger inventory, revenue and operating costs and resultant deficit in each of the years of operation is presented as follows:

TORONTO TRANSIT COMMISSION

ISLAND FERRY OPERATION

YEAR	PASSENGERS CARRIED	TOTAL REVENUE (PASSENGER AND FREIGHT)	TOTAL COST TO OPERATIONS INCLUDING FIXED CHARGES	DEFICIT
1927	1,497,678	\$102,270	\$187,419	\$ 85,149
1928	1,792,353	152,633	230,602	77,969
1929	1,861,079	144,976	219,166	74,190
1930	1,979,892	163,871	209,726	45,855
1931	2,172,558	186,116	214,134	28,018
1932	1,938,549	160,279	216,910	56,631
1933	1,951,151	168,739	205,385	36,646
1934	1,878,835	165,510	203,707	38,197
1935	1,812,854	157,648	204,319	46,671
1936	1,832,775	161,671	202,397	40,726
1937	1,779,220	159,407	189,954	30,547
1938	1,730,529	145,946	186,428	40,482
1939	1,759,054	150,016	177,651	27,635
1940	1,702,011	145,999	197,903	51,904
1941	1,977,311	173,144	212,379	39,235
1942	2,363,578	213,672	257,320	43,648
1943	2,159,116	202,044	279,129	77,085
1944	2,606,542	237,302	291,909	54,607
1945	2,482,222	222,839	278,253	55,414
1946	2,574,017	235,629	286,160	50,531
1947	2,012,855	152,141	286,748	134,607
1948	2,306,313	162,461	247,163	84,702
1949	2,273,163	162,844	255,236	92,392
1950	1,984,752	142,530	265,132	122,602
1951	1,742,835	140,711	292,199	151,488
1952	1,258,937	115,114	288,842	173,728
1953	1,731,919	151,914	322,771	170,857
1954	1,943,318	177,537	358,597	181,060
1955	1,173,297	291,128	498,534	207,406
1956	966,063	228,734	457,872	229,138
1957	1,081,147	240,720	413,521	172,801
1958	1,077,268	243,908	436,650	192,742
1959	1,234,035	280,149	443,613	163,464
1960	1,020,377	267,016	385,670	118,654
1961	1,172,612	307,689	389,795	82,106

The designation "Passengers Carried" in the table immediately preceding is based upon one-way trips. The figures range from a low of 966,063 (1956) to a high of 2,606,542 (1944). The peak years were during World War II until the beginning of the 1950's, when the greatest number of people were residing on the Islands. The lowest figures are during the period 1955 to 1961, when the Island park had deteriorated greatly and homes were being demolished.

On January 1, 1962, as a result of a number of studies undertaken by the Metropolitan Parks Department and a decision of Metropolitan Council, Metro acquired the assets of the Toronto Transit Commission and took control of the ferry service.

Robert Bundy, Metro's Commissioner of Parks and Property, gave evidence concerning the fare structure for passengers using the ferry service and provided the Commission with sample ferry schedules. The ferry schedules change over the course of the year. There is a spring schedule which commences in mid-April; a summer schedule starting in mid-May; a fall schedule from mid-September; and a winter schedule commencing in mid-October. Ferry service is increased during the summer and decreased in the winter. The frequency of trips to Centre Island increases dramatically in the summer, while the schedule for Ward's

Island and Hanlan's Point remains relatively constant. These are the three destinations from the mainland.

Metro has always maintained a one-fare system for the return trip, with payment in advance on the mainland. The current fare (unchanged since January 1, 1978) is \$1.00 for the return trip for an adult; 50¢ for a senior citizen; and 25¢ for a child. From 1962 to 1972, the winter return fare was double (50¢) the summer return fare (25¢) for each adult. The seasonal fare differential was abandoned in 1972.

According to Mr. McGuffin, during the "TTC years", the total passenger capacity of the ferry fleet varied from time to time as follows:

YEAR	PASSENGER CAPACITY
1927	5,591
1929	4,116
1939	4,400
1961	2,500

Metro's current fleet consists of five ferries with varying passenger capacities as set out in the table below:

NAME OF FERRY	PASSENGER CAPACITY
William Inglis	500
Sam McBride	1,000
Thomas Rennie	1,000
Trillium	950
Ongiara	220
TOTAL	3,670

The "Ongiara" is the only ice-breaking vessel in the fleet. It also serves as the freight carrier and can carry 30 tons of vehicles. When it carries vehicles, its passenger capacity is reduced to 120.

In 1973, a plan was proposed to reclaim the "Trillium" and it was returned to the fleet in 1976. It has not been in service for passenger transportation because of its inability to dock at Centre Island. The Toronto Harbour Commissioners have been asked to construct a suitable dock at Centre Island to accommodate the "Trillium". Mr. Bundy indicated that he expected the "Trillium" to be in passenger operation during the 1981 season.

During the winter months, only the "Ongiara" is operational. It docks at Ward's Island when it can, and otherwise at Hanlan's Point. When it transports passengers to Hanlan's Point, there is a bus service provided by the

Metropolitan Toronto Parks Department which carries passengers between Algonquin and Ward's Island and Hanlan's Point. On some winter days, the "Ongiara" is unable to travel to or dock at Hanlan's Point and, on those occasions, Island residents are taken by bus to the Island Airport where they catch the "Maple City" ferry operated by the Toronto Harbour Commissioners.

Mr. Bundy estimated the costs of operating the winter ferry service including the costs of the ancillary bus service to be about \$225,000.

The ferry service operates at an annual deficit. Data for the last decade were furnished by Metro Parks and are contained in the following table:

METROPOLITAN TORONTO PARKS DEPARTMENT					
FERRY SERVICE REVENUE AND EXPENDITURES					
YEAR	REVENUE			EXPENDITURES	DEFICIT
	FERRY OPERATIONS	FOOD CONCESSIONS	TOTAL		
1970	\$ 374,633.	-	\$ 374,633.	\$ 525,512.	\$150,879.
1971	347,188.	-	347,188.	567,817.	220,629.
1972	508,308.	\$11,370.	519,678.	613,484.	93,806.
1973	510,673.	18,271.	528,944.	697,950.	169,006.
1974	518,245.	22,633.	540,878.	747,700.	206,822.
1975	748,869.	27,600.	776,469.	935,400.	158,931.
1976	766,452.	43,764.	810,216.	1,049,900.	239,684.
1977	764,633.	41,928.	806,561.	1,168,800.	362,239.
1978	1,113,025.	57,002.	1,170,027.	1,337,538.	167,511.
1979	1,126,168.	64,646.	1,190,814.	1,402,462.	211,648.

Average annual deficit of the ferry service works out to be \$198,115.50.

Metro Parks records ferry passenger count on a return trip basis and, as well, has a formula for estimating "park visitors". That formula assumes that those who are carried during the winter months (December through March) are primarily Island residents and various Metro and contractor personnel. In multiplying the numbers of passengers carried in the four winter months by a factor of three, Metro Parks assumes the extended figure isolates the non-park visitor total. It then subtracts that figure from the total passenger count to arrive at the number of park visitors. (The application of this formula is conceded probably to be weighted against park visitors but, for the purposes here, produce an adequately approximate figure.)

It is meaningful to set forth the ferry passenger statistics in the last 25 years so as to embrace the point that Metro assumed control of the Toronto Islands (January 1, 1956). In so doing, the figures during TTC operations (until January 1, 1962) have been adjusted to reflect Metro Parks' system of recording:

FERRY PASSENGER STATISTICS

1955 TO 1967

YEAR	SUMMER (APRIL TO NOVEMBER)	WINTER (DECEMBER TO MARCH)	TOTAL	VARIOUS METRO AND CONTRACTOR AND PERSONNEL AND ISLAND RESIDENTS	PARK VISITORS
1955	488,558	98,090	586,648	294,264	292,384
1956	415,610	67,422	483,032	202,260	280,772
1957	488,077	52,497	540,574	157,488	383,086
1958	488,694	49,940	538,634	148,820	389,814
1959	627,796	39,204	667,000	117,612	549,388
1960	471,226	38,963	510,189	116,880	393,309
1961	545,751	40,555	586,306	121,668	464,638
1962	796,697	60,348	857,045	181,044	676,001
1963	802,139	54,473	856,612	163,419	693,193
1964	803,280	53,981	857,261	161,943	695,318
1965	802,586	53,087	855,673	159,261	696,412
1966	974,000	54,000	1,028,000	162,000	866,000
1967	1,060,359	54,384	1,114,743	163,152	951,591

FERRY PASSENGER STATISTICS

1968 TO 1979

YEAR	SUMMER (APRIL TO NOVEMBER)	WINTER (DECEMBER TO MARCH)	TOTAL	VARIOUS METRO AND CONTRACTOR PERSONNEL AND ISLAND RESIDENTS	PARK VISITORS
1968	1,121,055	56,215	1,177,270	168,645	1,008,625
1969	1,251,139	53,822	1,304,961	161,466	1,143,495
1970	1,371,312	55,401	1,426,713	166,203	1,260,510
1971	1,353,018	55,374	1,408,392	166,122	1,242,270
1972	1,199,513	56,622	1,256,135	169,866	1,086,269
1973	1,241,042	59,946	1,300,988	179,838	1,121,150
1974	1,203,511	62,404	1,265,915	187,212	1,078,703
1975	1,293,177	67,212	1,360,389	201,636	1,158,753
1976	1,171,831	64,227	1,236,058	192,681	1,043,377
1977	1,109,303	44,251	1,153,554	132,753	1,020,801
1978	1,229,857	43,696	1,273,553	131,088	1,142,465
1979	1,250,145	39,727	1,289,872	119,181	1,170,691

The table immediately above shows that the park visitor count has ranged from a low of about 280,000 in 1956 to a high of about 1,260,000 in 1970. In the last decade, however, the fluctuation is hardly remarkable.

By far the greatest visitor ferry traffic occurs during the three summer months of June, July and August, peaking in July of each year. This is amply demonstrated in the monthly records of Metro Parks Ferry Service over the past decade, presented in the following table:

METROPOLITAN TORONTO PARKS DEPARTMENT

MONTHLY FERRY PASSENGER COUNT

1970 TO 1979

	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979
JANUARY	12,635	13,347	11,901	14,388	13,601	16,292	16,704	11,514	12,649	9,380
FEBRUARY	13,342	10,197	14,209	13,904	17,666	15,957	13,745	4,115	12,966	3,433
MARCH	16,273	16,657	17,823	18,349	16,655	18,887	18,544	15,410	5,436	13,036
APRIL	37,059	33,921	19,360	38,991	46,671	27,485	55,635	36,123	28,496	27,355
MAY	115,363	149,829	142,558	86,787	87,853	167,885	81,754	158,858	117,300	79,805
JUNE	320,023	304,113	234,677	263,581	281,801	320,227	295,984	244,795	264,489	279,420
JULY	402,720	377,309	385,503	388,467	421,900	373,471	312,553	345,230	387,234	416,316
AUGUST	332,587	328,077	263,943	305,738	243,857	283,064	287,100	212,464	300,526	294,525
SEPTEMBER	109,279	100,749	109,253	106,369	75,532	63,587	90,188	69,446	89,160	114,244
OCTOBER	35,110	46,610	29,173	35,925	30,052	35,928	31,839	26,670	26,328	23,852
NOVEMBER	18,831	15,429	15,046	15,184	15,845	20,963	16,778	15,717	16,324	14,865
DECEMBER	13,481	12,154	12,689	13,305	14,482	16,643	15,234	13,212	12,645	13,641

The highest passenger count on a single day in the last decade was recorded on Monday, July 1, 1974 at 43,494. The lowest number of passengers carried on a single day in that period when the ferry was running was 12 on Friday, February 13, 1976. During the same period, the highest weekly passenger count was noted as 134,613 during the week ending July 7, 1974. These and the corresponding figures over the ten-year period are contained in the following comprehensive table:

METROPOLITAN TORONTO PARKS DEPARTMENT
ISLAND FERRY PASSENGER STATISTICS
1970 TO 1979

YEAR	HIGHEST SINGLE DAY		LOWEST SINGLE DAY		HIGHEST WEEKLY COUNT	
	DATE	DAY	DATE	DAY	WEEK ENDING	TOTAL
1970	July 12	Sunday	December 25	Friday	July 26	122,337
1971	July 4	Sunday	December 25	Saturday	August 8	118,057
1972	July 16	Sunday	January 16	Sunday	July 23	92,751
1973	July 15	Sunday	March 18	Sunday	July 8	116,100
1974	July 1	Monday	January 20	Sunday	July 7	134,613
1975	July 6	Sunday	December 25	Thursday	July 6	116,342
1976	July 11	Sunday	February 13	Friday	June 27	96,395
1977	July 3	Sunday	March 5	Saturday	July 3	106,402
1978	July 2	Sunday	February 19	Sunday	July 2	107,476
1979	August 5	Sunday	March 9	Friday	July 8	105,867

The Commission paid some attention to the distribution of passengers to each of the three dock areas on the Islands. This exercise was considered purposeful because of the suggestion that there has long been a dispersal problem in that the majority of persons tend to travel by ferry to Centre Island.

From the last table, it will be noted that the highest weekly passenger count in 1979 was for the week ending July 8th, during which the total figure was 105,867. From approximate figures supplied to the Commission by Mr. Bundy regarding Island dock destinations, the following table has been constructed:

METROPOLITAN TORONTO PARKS DEPARTMENT

ISLAND DOCK DISTRIBUTION

WEEK ENDING JULY 8, 1979

DATE IN JULY, 1979	DOCK								TOTAL	
	HANLAN'S		CENTRE		WARD'S					
	PASSENGERS	%	PASSENGERS	%	PASSENGERS	%	PASSENGERS	%	PASSENGERS	%
2nd	778	3	21,094	88	2,112	9	23,984	100%		
3rd	802	9	6,706	78	1,143	13	8,651	100%		
4th	716	7	8,420	80	1,421	13	10,557	100%		
5th	454	8	4,079	70	1,322	23	5,855	101%		
6th	829	8	7,842	79	1,268	13	9,939	100%		
7th	1,260	7	15,772	83	2,000	11	19,032	101%		
8th	3,050	11	21,007	75	3,792	14	27,849	100%		
TOTAL	7,889	7	84,920	80	13,058	12	105,867	99%		

It can be easily seen from the table above that the pattern is markedly for visitors to cluster in the direction of Centre Island. According to Mr. Bundy, when relatively large crowds are on the Islands, "the ferries do run longer hours depending upon the number of people that have to be brought back from Centre Island." He later stated: "That is our problem. That is why we have to do something to disperse the group from Centre Island and spread them to Hanlan's and the Eastern section."

If the residential community were to leave, Mr. Bundy would recommend to Metro Council that the winter ferry service be adjusted downward, with only four daylight trips to each of Ward's and Hanlan's Point. He estimated that that service would cost somewhere between \$91,000. and \$92,000. in comparison with current costs of \$225,000. (including the bus service).

Should the residential community remain, even at its present size, Mr. Bundy's view is that a freight dock would have to be installed at Ward's Island. He suggested that it would interfere with the enjoyment of park users to have delivery and service traffic going through park areas and also that the roads system on the Islands was not designed to handle volume truck traffic. Mr. Bundy put the cost of a freight dock at an estimated \$1,000,000.

When asked about a possible expanded community, Mr. Bundy replied that the "Ongiara" could take a few more passengers. With, say, 100 additional homes, that ship could not manage the passenger load during rush hours and an additional ice-breaking vessel would be required which, according to him, would cost in excess of \$1,000,000.

On the question of access to the Toronto Islands, Mr. Bundy said that "we are not studying any other means, either a bridge or a tunnel."

A Tunnel?

It appears that a tunnel or bridge to the Islands was proposed for the Western Gap as early as 1913. The Federal Government actually began construction of a tunnel under the Western Gap in 1935, but it was abandoned.

During the five-year period 1955 to 1960, the Metropolitan Parks Department considered the question of optional modes of transportation to the Toronto Islands. Various consultants were retained to prepare sketches and estimates for a vehicular tunnel beneath the Western Gap which would emerge at Hanlan's Point.

Christopher Roberts, Deputy Metro Parks Commissioner described the proposals which ranged in cost in 1960 from \$6,000,000. to allow public transportation access to the Islands, and \$10,000,000. to enable private automobile access. There would also have been additional costs for roads, lighting and parking lots.

The Parks and Recreation Committee of the municipality of Metropolitan Toronto was of the view that while the Western Gap was the most desirable location for a tunnel, the costs of construction would be very high. Also, the maintenance costs would be relatively high and there would be serious destruction of parkland by the construction of roadways and parking lots. It was felt that there would be an aesthetic loss by allowing large numbers of vehicles on the Islands.

A passenger tunnel for pedestrians was also considered by Metro Council in 1960 which, according to estimates obtained, would cost approximately \$421,000. This tunnel, too, would have been under the Western Gap and would have a capacity of approximately 5,000 people per hour in each direction.

Metro's Parks and Recreation Committee was of the view that such a passenger tunnel would have comparatively small capacity and would service only the Island Airport area and that it would be difficult to distribute people in volume from beyond that point without a most extensive internal transportation system.

Metropolitan Toronto Council, on September 8, 1960, adopted the recommendation that the construction of a tunnel and any other means of vehicular access to the Islands not be further considered at that time.

A Bridge?

In the Summer of 1960, the Metropolitan Parks Department considered the feasibility of constructing a bridge and decided at the outset that the only possible location was over the Eastern Gap. Consultants were retained and their view was that a bridge of sufficient capacity would cost \$3,150,000. The Toronto Harbour Commissioners, however, advised the Parks Department that their plans were to widen the Eastern Gap and that if a clear span was to be contemplated, the bridge would have to be 120 feet high. The costs of construction of a bridge of that type was estimated at \$8,800,000. This estimate included the construction of roads, parking lots and lighting.

The Parks Department believed that a vehicular bridge could not be considered over the Western Gap due to the existence of the Island Airport. The Eastern Gap was inappropriate because the Harbour Commissioners' clearance requirements would make the costs very high.

Plans for construction of a bridge to the Toronto Islands were shelved.

An Aerial Tramway?

Metro Council, also in 1960, considered an aerial tramway which would carry passengers on aerial cable cars across the Eastern Gap, with stations 1,400 feet apart and elevated 120 feet. The trip would take three minutes. The system looked at had a capacity of 1,200 persons per hour travelling in each direction. Estimated installation costs were \$390,000.

Another suggestion, for use during the winter months, involved large passenger cabins with a capacity of 600 persons per hour in each direction at a cost of \$75,000.

Council saw the aerial tramway method as having comparatively small capacity and requiring an extensive internal transport system on the Island to disperse visitors. In the final result, this option was rejected and the assumption of the TTC's ferry fleet to be operated by the Metropolitan Parks Department was adopted by Council as the mode of access of choice.

Water Taxis

Ron Mazza, Island resident and Co-chairman of the Toronto Island Residents' Association, gave evidence that there are two water taxi services which go to and from the Toronto Islands. One is operated by a Brenton Wiebe and the other by a Dave Maxwell. According to the testimony, Mr. Wiebe has a variety of boats capable of transporting both passengers and freight. Mr. Maxwell has a power boat primarily used as a passenger water taxi, but also capable of handling materials.

Water taxis usually leave from the foot of York Street and arrive at either the ferry dock or as close to the home being serviced as possible. The water taxi service is available after hours (after the Metropolitan Parks ferry service stops running) and the charge was thought to be \$2.50 per person. There is no winter water taxi service.

Because of the difficulty in transporting building materials and furniture via the Metropolitan Parks ferry service, residents have made private arrangements with the operators of the water taxi services to take various commodities to the Islands.

Yacht Club Tenders

The three major private yacht clubs on the Islands have their own transportation service available for club members.

Royal Canadian Yacht Club maintains (and has done so since 1880) its own launch service from the mainland to the Island. It runs from approximately mid-March to mid-December each year and carries an estimated 120,000 passengers annually. In 1979, the mainland terminal was switched from the foot of York Street to Parliament Street.

Queen City Yacht Club operates a ferry service from the foot of York Street to Algonquin Island from May through to October.

The Island Yacht Club tender service runs from the foot of Spadina Avenue directly to Mugg's Island hourly from May to mid-June and half-hourly from mid-June to September. In 1979, some 45,000 one-way trips were made.

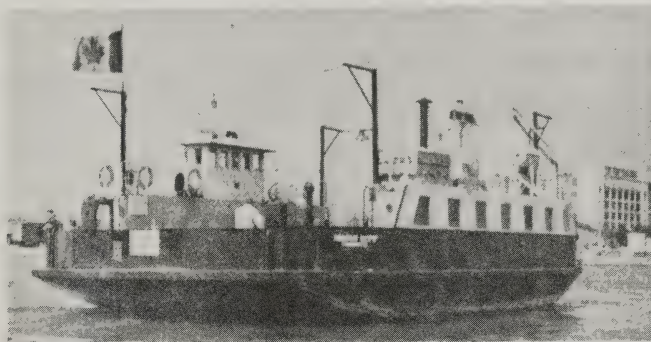
Persons using the Toronto Island Marina can conveniently travel to their boats on the Island by using public ferry service as the Toronto Island Marina is located very close to the Centre Island dock. A tender service operated by the Toronto Island Marina is also available. That service is restricted to members and guests during busy times, but is otherwise open to anyone. This tender service logs roughly 50,000 one-way trips each year.

The Westwood Sailing Club, located at Algonquin Island, provides a private boat service (one return trip each evening) Monday through Friday in the summer months. It can accommodate at least 32 persons. At other times, members use the ferry service to Ward's Island.

Members of the North Toronto Sailing Club use the Centre Island ferry service or the Toronto Island Marina tender to travel from the mainland to their boats.

Island Airport Ferry

The ferry "Maple City" is operated by the Toronto Harbour Commissioners, who also operate the Toronto Island Airport. In service 12 months a year, it is shown in the photograph below.



Carrying passengers from the mainland just west of Bathurst Street to the Toronto Island Airport, the Maple City crosses the Western Gap - a distance of 400 feet. It runs at 15-minute intervals from 7:00 a.m. to 10:00 p.m. in the winter, extending to 11:00 p.m. in the summer months.

During winter months, when the Metro Parks ferry service is not operating, the Maple City is available for Island residents and employees of the Metro Parks Department. A bus service arranged by Metro Parks then takes passengers from the Island Airport through to other parts of the Islands. The annual deficit of this ferry service measures approximately \$275,000.

In the past, the Maple City has been recruited to transport Island residents for a number of weeks in a year.

Its service appears to be a reliable one. In the words of Ian Brown, General Manager of the Toronto Harbour Commissioners: "The only occasion which our staff can recall on which both the 'Ongiara' and the 'Maple City' were out of action was on January 26, 1978, when a severe ice storm hit the City closing down operations at around noon until the following morning".

The Harbour Commissioners supplied this Commission with passenger statistics over the past number of years. In 1979, the Maple City carried 165,769 passengers.

NON-RESIDENTIAL OCCUPANTS

1. INTRODUCTION
2. PRIVATE YACHT CLUBS
3. TORONTO ISLAND MARINA
4. NORTH TORONTO SAILING CLUB
5. WESTWOOD SAILING CLUB
6. SEA HAWKS BOYS' CLUB
7. JAIN & CO. OF CANADA (BOAT LIVERY)
8. JAIN & CO. OF CANADA (BICYCLE RENTAL)
9. DALMAR FOODS LIMITED
10. WILLIAM BEASLEY ENTERPRISES LIMITED (FOOD AND AMUSEMENTS)
11. SUMMER CENTRE FOR SENIORS
12. CKEY TOWERS
13. CKFH TOWERS
14. METROPOLITAN TORONTO WORKS DEPARTMENT (FILTRATION PLANT)
15. WARD'S ISLAND ASSOCIATION
16. ALGONQUIN ISLAND ASSOCIATION
17. ST. ANDREW-BY-THE-LAKE CHURCH
18. ST. RITA'S CHURCH
19. "FAR ENOUGH" FARM
20. TORONTO ISLAND AIRPORT

Introduction

I heard it often claimed that the residential areas of the Islands occupy only a small portion of them and that it is unfair to force the residents to move from the Islands and allow other private users (particularly the yacht clubs) to remain.

In order to explore these issues, I sought evidence to enable me to ascertain the amount of land occupied by the residential areas and its relationship to the entire area of land comprising the Toronto Islands. I wanted to know, as well, to what uses the remaining portions of the Islands were put and the acreage involved in each instance.

Preliminary figures relating to acreage sizes and percentages of the whole varied according to the source of the information. I recognized that, depending upon how one defined the area to be measured (for whatever purpose), it might well affect the resultant area figures. The commissioning of a private survey to size the various acreages was considered, but it was felt that this would undoubtedly be an expensive proposition.

With all of this in mind, I asked Commission Counsel to obtain from Metropolitan Toronto a map of the Toronto Islands marked with the existing land uses and the acreages involved. I felt that such a map would be reliable, bearing in mind that Metropolitan Toronto was in control of the Toronto Islands, save and except the

area set aside for Toronto Island Airport. It was my thinking that if the map outlined the areas and noted the acreages involved, any party who wished to question acreage figures could readily see the perimeters used to calculate the acreages.

Metropolitan Toronto and, more specifically, its Parks and Property Department, obliged by supplying a map so marked. A legend appears on the map and it presents the types of land use in a particular way, giving the observer a sense of the existing land uses on the Toronto Islands and the acreages concerned. The legend on that map is placed in a table, in essentially the form presented by Metro, as follows:

<u>TORONTO ISLANDS</u> <u>EXISTING LAND USE</u>			
LAND USE	FURTHER PARTICULARS	ACREAGE	
TORONTO ISLAND MARINA		13.22	
PRIVATE	Island Yacht Club	14.37	
	Royal Canadian Yacht Club	18.14	
	Queen City Yacht Club	3.35	
RECREATIONAL	Frisbee Golf Course	16.53	
	Beasley Amusement Park	12.30	
RESIDENTIAL	Algonquin Island	20.94	
	Ward's Island	12.03	
WILDLIFE REFUGE AREAS		62.53	
LAND OWNED BY FEDERAL GOVERNMENT		10.01	
LAND LEASED TO C.K.E.Y.		2.28	
PUBLIC OPEN SPACE		365.74	
		SUB TOTAL	552.00
LAND OWNED BY METRO WORKS (Including 6.79 acres of land leased to C.K.F.H.)			60.56
		TOTAL ACREAGE	612.00

The table shows the residential areas as 20.94 acres on Algonquin Island and 12.03 acres on Ward's, for a combined figure of 32.97 acres, in relation to a total acreage of 612.

The 612 acre total agrees with the figure contained in the City of Toronto's September, 1973 "Toronto's Island Park Neighbourhoods" Study. That study, however, has different figures for the residential areas. It puts the gross residential area on Algonquin at 17.6 acres (net, i.e. excluding sidewalks was measured at 12.3 acres). For Ward's, the gross residential area was said to be 11.4 acres (net 7.0 acres). In the result, the 1973 study found the gross residential area to be 29.0 acres (net 19.3 acres). When related to the total acreage of 612, it found that the gross residential area represented 4.7 per cent of the whole (the net, 3.2 per cent).

The discrepancy in acreage is likely explained by determining what constitutes the perimeter. For example, on the Metro map, the residential area on Algonquin Island is marked to include the north and south shores. The 1973 Toronto study appears to have based its calculations on a map showing the residential area not extending to the shoreline mentioned.

On the basis that nothing of moment turns upon which figures I accept for the purposes of this Report, Counsel for the City of Toronto and for the Island residents expressed contentment that I accept the figures presented by Metro. Quite apart from their

acceptance, I see the Metro figures as having more meaning. In the Algonquin Island illustration, for example, the situs of the residential area is such that, to all intents and purposes, the slivers of land to the north and south are effectively shut out from any productive use.

Accordingly, I adopt for the purposes of this Report the figures furnished by Metro Parks. Relating the 32.97 residential acres to the 612 acre total, the residential portion occupies 5.4 per cent of the lands.

The Metro map and figures do not include the lands set aside for the Toronto Island Airport. From other evidence, I make the area of the Airport lands to be 215 acres. Adding that to the 612 acres otherwise, the grand total of lands comprising the Toronto Islands measures 827 acres.

I suppose (although no one suggested it to me) one could relate the 32.97 residential acres to the 827 total and arrive at a smaller percentage, more specifically 3.99 per cent. Still lower the figure would be if one talked in terms of "net" residential area. The "numbers game" is an interesting one and I will have more to say about that later in my Report.

In this Chapter, I describe what might be called a "mixed bag" of non-residential occupants of Toronto Islands, embracing Metro itself; lessees of Metro on a

fixed rental basis; lessees of Metro on a concession basis; and certain other occupants, including the Toronto Island Airport.

Some of the occupants can be considered "private" in the true sense of the word, in that members of the general public are excluded from the lands. In this category, I would place the three yacht clubs and the radio stations which have their towers and ancillary facilities on Island lands and water lots.

Others are private entrepreneurs who occupy lands or lands and water lots, and who serve the public or a segment of the public. These would include the Toronto Island Marina and concessionaires embracing boat rental, bicycle rental, food and amusements.

Still others are non-profit types of organizations, the membership of which is generally open to members of the public. Embraced by this category are certain sailing clubs.

Not all of the occupants described in this Chapter fall into the categories outlined in the three preceding paragraphs. This will become evident as they are described.

Private Yacht Clubs

There are three yacht clubs located on the Toronto Islands which occupy land, water lots and shoreline (without adjoining land) as follows:

YACHT CLUB	LAND	WATER	SHORELINE
Royal Canadian Yacht Club	18.14 acres	8.14 acres	-
Queen City Yacht Club	3.35 acres	0.8 acres	1,245 feet
Island Yacht Club	14.37 acres	1.6 acres	-
TOTAL	35.86 acres	10.54 acres	1,245 feet

The yacht clubs originally leased the areas which they occupy on the Toronto Islands from the City of Toronto. The leases were continued by the Municipality of Metropolitan Toronto when it assumed the lands from the City in 1956. On March 22, 1966, Metro Council directed that the yacht club leases be renewed on the basis of a rental of 9% per annum of the assessed value (excluding buildings). The clubs would also be liable for realty taxes. A termination date for all aquatic club leases was fixed for July 31, 1980 at which time a complete review of the leases could be conducted.

A meeting was held on April 16, 1980, involving the Metro Parks Department and officials of the various boat clubs, including the yacht clubs, to discuss the new rental rate being proposed by the Parks and

Property Department. The proposed yearly rental rate consisted of a base rental rate of \$1,033. for each acre of land and water, and \$3.50. per running foot of shoreline where no adjoining land was rented. There was to be a 10% reduction for clubs which did not have year-round access. With only Queen City Yacht Club dissenting with respect to the proposed rate for shoreline, a resolution was passed supporting the proposed rental formula.

The rationale for the proposed rental rate was set out by Robert Bundy, Metro's Commissioner of Parks and Property, in his report to the Metro Executive Committee, dated July 15, 1980:

Given the difficulties associated with a real estate appraisal approach to the establishment of a uniform rental rate, we concluded that the fairest and most logical way to develop the rental rate formula was to base it on the rent received from a government-related private enterprise, our own Toronto Island Marina.

The base rate of \$1,033. was calculated by dividing the yearly rental which the Toronto Island Marina paid by the acreage of land and water which it occupied.

It was recommended in the report of the Metro Parks and Property Department, dated July 15, 1980, that Metro enter into 25-year leases with the boat clubs. Mr. Bundy further recommended that the proposed rental formula be

used, but with provision for rent review every five years commencing July 31, 1985. The report was recommended for approval by the Metro Executive Committee on July 22, 1980 and approved by Metro Council on September 9, 1980.

Because each had a right of renewal in its previous lease, the Royal Canadian Yacht Club and the Queen City Yacht Club had to sign an agreement to be bound by the new rental amount, which has been done. The rental implications of the new agreement for the yacht clubs are as follows:

YACHT CLUB	ANNUAL RENT PURSUANT TO PRIOR LEASE	NEW ANNUAL RENT
Royal Canadian Yacht Club	\$ 7,618.00 .	\$24,432.00.
Queen City Yacht Club	\$ 3,274.50 .	\$7,779.00 .
Island Yacht Club	\$619.80 .	\$14,847.00 .

An interesting aspect of the lease situation of the yacht clubs is their right to compensation if the leases are terminated. This is a crucial consideration because of the large investment that these clubs have made on rented lands.

The lease history of the Royal Canadian Yacht Club (RCYC) on the Toronto Islands is complex because separate leases were used for various portions of the RCYC property. It appears that the first lease which entitled RCYC to compensation if it was not renewed was a lease for the north island made between RCYC and the City of Toronto on May 26, 1949. Between 1949 and Metro's assumption of Toronto Islands in 1956, some leases between RCYC and the City were compensable and others were not. It appears that all but one of the leases between RCYC and Metro prior to 1972 were compensable. The Metro Parks and Property Department considered the issue of compensability of the RCYC leases and recommended a new compensation formula which started at a January 1, 1969 valuation of \$1,300,000. and depreciated each year thereafter. This compensation scheme was included in the lease between RCYC and Metro, dated February 4, 1972. It provides that if the lease is terminated any time between January 1, 1969 and July 31, 1981, RCYC would receive \$1,300,000. The amount of compensation would decrease in each subsequent year until August 1, 2001, when RCYC would receive compensation of \$250,000. if Metro refused to renew the lease.

The Queen City Yacht Club (QCYC) entered into a lease with Metro, dated December 27, 1973, which had a compensation clause procedurally identical to the one in the 1972 RCYC lease. The amount of compensation to be paid was not the same because the two properties were valued differently as of January 1, 1969.

The Island Yacht Club (IYC) first rented land on the Toronto Islands from the City in 1951. Its lease was for a period of 18 years, five months. It was renegotiated with Metro in 1960 and the resulting lease agreement, dated June 13, 1960, had a compensation provision different from those in the later RCYC and QCYC leases. Under the terms of its lease, IYC was to be compensated for the value of improvements existing as of 1960, if the lease were terminated by Metro. There was some question whether they would receive compensation for the improvements on the land in 1960 at their 1960 value or at their present value.

Mr. Bundy indicated in his testimony that Metro intended to carry forward any existing compensation agreements, but not to create new ones.

The most recent membership figures for the three yacht clubs total 3,232. The facilities of these clubs are also available to the families and guests of members. Membership costs vary among the clubs, but senior membership in each involves a

minimum of an initiation fee, yearly dues and occasional assessments for various purposes.

All three of the yacht clubs are surrounded by fence or water, precluding casual access by members of the general public. Each of the clubs, however, runs at least one programme which is not limited to members and their families.

RCYC introduced a junior sailing programme in 1925 which is open to children of both members and non-members. This programme runs for two months and in 1980 it involved 228 children. QCYC also runs a junior sailing club open to non-members. There are three sessions during the season in which approximately 105 children enrolled. The IYC has three programmes for both members and non-members. Its junior sailing programme was formed in 1958. In 1980, 86 people took advantage of the programme, 57 of whom were non-members. The adult sailing programme was started shortly after 1958 and in 1980 it involved 11 members and 12 non-members. Recently, IYC began a sailing programme for the blind in co-operation with the Canadian National Institute for the Blind. In 1980, approximately 14 individuals participated in this programme.

All of the yacht clubs rely in some way upon municipal services. Each receives its water supply from the City of Toronto. None are hooked into the Islands sewage system. Each utilizes a separate

septic tank system and, in addition, the Royal Canadian Yacht Club has operated a small sewage treatment plant since 1970 to service the north island.

Representatives of each of the three clubs testified that they depend on their own staff for security services and do not specifically rely on the Metro Police. All of the clubs have utilized the Toronto Harbour Police, usually for medical emergencies. Only the Island Yacht Club has not called upon the services of the Island Fire Department.

It is instructive to examine in detail the operations of each of the three yacht clubs, and this is done in the pages that follow.

A. The Royal Canadian Yacht Club



The Royal Canadian Yacht Club (RCYC) is the oldest of the yacht clubs located on the Toronto Islands. It was founded in 1852 as the Toronto Boat Club and the clubhouse was situated on a raft moored to one of the wharfs on the mainland. The Toronto Boat Club became the Royal Canadian Yacht Club in 1854 and was incorporated under a special Act of the Province of Ontario, dated March 4, 1868.

Peter Van Buskirk, General Manager and Secretary of RCYC, testified that in its early years RCYC occupied land in the area where the CN Tower now stands. With the expansion of the railway, the Club was offered land on the Toronto Islands in June of 1880 in exchange for its City-side property. The offer was accepted with at least some unhappiness and construction of the Islands clubhouse commenced in 1880. RCYC moved into its new clubhouse the following year.

RCYC presently occupies portions of several islands located approximately equal distances from the Centre Island and Ward's Island ferry docks. Over the years, the land has been improved and the area rented by the Club has increased. A lagoon between two islands was filled in 1937 to form what is now the north island. The Club continued to expand in area until it reached its present size in the mid-1960's.

The RCYC is active throughout the year. The mainland clubhouse, acquired in a merger with the Carlton Club of Toronto Limited on September 20, 1974, is open 12 months a year, but it reaches its peak use when the Islands clubhouse is closed. Facilities available to members at the mainland clubhouse include badminton and squash courts, a swimming pool, bowling alleys and a restaurant.

Its Islands clubhouse opens annually on or about March 15th and is in full operation by the Victoria Day weekend. Closing usually begins about the third weekend in September and is completed by the middle of November. Club facilities include a restaurant, tennis courts and a swimming pool. RCYC is very involved in competitive sailing and hosts numerous sailing events.

In order to transport members and their guests from the mainland to the Islands, RCYC has maintained its own launch service since 1880. This service operates from mid-March to mid-December.

Mr. Van Buskirk provided evidence that as of October 31, 1979, RCYC had a total of 2,549 members. According to RCYC's 1979 Annual Report, the membership between 1970 and 1979 has fluctuated with a low of 1,976 members in 1973 and a high of 2,823 in 1976. Although there is now no waiting list for membership, there is a waiting list of approximately one year to obtain squash privileges and approximately five to seven years to acquire a boat mooring.

Members are able to extend club privileges to their spouses and children, and can take guests as visitors. As a general rule, a member may not be accompanied by more than 20 guests at any time and no person may be a guest more than five times during a calendar year. Mr. Van Buskirk estimated that the total number of individuals making use of RCYC facilities during the year would be 8,000.

To become a member of RCYC, an individual must be proposed for membership by a current member and this proposal must be seconded by another member. An application form is then submitted to the Membership Secretary. The name of the nominee is posted on the Club's notice boards. Any member can demand a vote on the nomination and the nominee will be granted membership only if more than six-sevenths of the ballots cast are in his favour. Evidence was presented that no vote has been demanded on a membership proposal for at least five years. If no vote is demanded, the Committee of Management decides whether the nominee is to be granted membership. Mr. Van Buskirk testified that RCYC accepts approximately 80 to 90 new members each year to keep its membership level reasonably stable.

The cost of membership depends on the person's type of membership, age and use of facilities for which there is an additional charge. New resident members are

assessed an entrance fee calculated on a sliding scale according to age. At the top end of the scale are resident members between the ages of 30 and 59 years both inclusive who pay \$2,400. and at the other end are 16-year-olds who pay \$350. Non-resident members (living more than 80 kilometres from Toronto City Hall) pay an entrance fee of \$200. Annual fees are also assessed on a sliding scale with resident members between the ages of 30 years and 59 years paying \$620., members aged 16 to 20 years paying \$124., and non-residents paying \$155. Separate charges are levied for rental of lockers, docks, drysailing and moorings. The charge for mooring a typical 30-foot boat with a 10-foot beam is approximately \$400. per year. In recent years, senior resident members were specially assessed \$36. over two years when the sewage treatment facility was installed and \$400. over two years to upgrade the clubhouse.

B. The Queen City Yacht Club



The Queen City Yacht Club (QCYC) was organized on July 18, 1889 and incorporated by Letters Patent on November 18, 1921.

According to the testimony of David Fowler, Vice-Commodore of the Club, its clubhouse was originally located at the foot of John Street. In 1924, dredging operations by the Toronto Harbour Commissioners caused damage to the clubhouse. The QCYC received a site on Algonquin Island and \$25,000. as compensation. Those funds were used to build the Islands clubhouse and the Club moved there in the Summer of 1925.

QCYC is located at the eastern end of Algonquin Island. It also utilizes shoreline on both the east and west sides of the lagoon adjacent to Algonquin Island, north of the bridge to the Island. An interesting landmark of QCYC is an old sailing vessel, "Rapids Queen", which was sunk in front of the clubhouse to serve as a breakwater.

The Club is active from on or about May 1st to October 31st each year. During this period, it is open seven days a week. Its restaurant is open daily. QCYC maintains its own ferry service which transports members and their guests from the foot of York Street to the Islands. During the winter months, some members work on their boats which are in storage, but otherwise there is no activity.

QCYC has the following classes of members: honorary, life, senior, non-resident, intermediate, junior, and student. The total membership in all classes in 1980 was 239. One family member is considered a Club member and the rest of the family may be extended privileges. There currently is no waiting list for membership, but there is a waiting list for mooring a boat.

The procedure for obtaining membership in QCYC is virtually identical to that used by the Royal Canadian Yacht Club. The individual must be nominated by one senior member in good standing and seconded by another. The individual's name is then published in the Club's monthly magazine, "The Clipper". Any member can demand a vote on the nomination and the nominee will be granted membership only if more than six-sevenths of the ballots cast are in his favour. Mr. Fowler indicated in his evidence that a vote on nomination had never been demanded. If no vote is demanded, the Board of Directors may approve the application, defer it for the approval of the general membership at the next meeting, or refuse it.

The cost of membership in QCYC depends upon the type of membership held by the individual. Particulars are contained in the following table:

TYPE OF MEMBERSHIP	INITIATION FEE	ANNUAL DUES
Senior Member	\$900. plus a redeemable debenture of \$500.	\$480.
Dinghy Member	0	\$480.
Crewing Member	0	\$210.
Student Member	0	\$120.
Out-of-town Member	0	\$ 72.

Mooring and winter storage are available only to senior members at a yearly cost of \$200. and \$120. respectively. Senior members are also subject to periodic assessments when the Club's income falls below its expenditures. Assessments of between \$50. and \$75. have been made in four of the last five years. Finally, senior members, dinghy members, and crewing members are required to pay a minimum yearly restaurant and bar bill of \$175.

C. The Island Yacht Club



The Island Yacht Club (IYC) is the youngest of the yacht clubs located on the Toronto Islands. It was incorporated under Provincial legislation as a non-profit social club. In 1951, it located on Mugg's Island. The area it occupied was expanded in a subsequent lease. The Club had to bring in landfill to make the swampy land usable. It presently shares Mugg's Island with a bird sanctuary which was created in 1971.

IYC opens its season in mid-May and closes in mid-October. It maintains its own ferry service which transports members and their guests from the foot of Spadina Avenue directly to Mugg's Island. This service operates daily on a half-hourly basis during the summer months and less frequently during the slower periods of the Club's season. Facilities available to members and their guests include a snack bar, dining room, locker rooms, storage space, tennis courts and swimming pool.

Membership classes at the IYC are: senior, life, intermediate, junior, lady associate and non-resident. According to the testimony of Harold Davis, its Commodore, the Club had a total of 444 members as of September 1, 1980. There currently is no waiting list for membership, but there is a waiting list for dock space. As with the other yacht clubs, one person in each family is considered a Club member and that person's

spouse and children are entitled to the use of the facilities. Mr. Davis estimated that when family members are included in the calculation, well over 1,200 people make use of the Club facilities.

Members are entitled also to bring guests to the Club, but no one who resides in Toronto can be a guest more than three times during the season.

To obtain membership in IYC, the applicant must be proposed and seconded by two members (either life or senior members). The application is then circulated to the life and senior members. If there is no objection within a certain period, the applicant becomes a member. However, if two members of the Board of Directors or five life or senior members oppose the application, the applicant will be refused membership. Mr. Davis testified that he could not remember any application for membership being blocked by this procedure.

The cost of membership in IYC depends on the type of membership held by the individual and his age:

TYPE OF MEMBERSHIP	INITIATION FEE	ANNUAL DUES
Senior Member	\$3,500.	\$660.
Lady Associate Member	0	\$330.
Intermediate Member	0	\$82.50 to \$300. (according to age)
Junior Member	0	\$ 55.

There was one special assessment of about \$65. in the previous five years. Senior members pay 100 per cent of special assessments levied and the other types of members pay a percentage of assessments as set out in the Club's By-Laws.

Toronto Island Marina

The Toronto Island Marina (TIM) is a public boating facility which was established by Metropolitan Toronto in 1967 as a Centennial Year project. Metro arranged dredging and the provision of landfill to establish the basic land and water configuration of the Marina. A number of private companies have operated TIM since its opening. The present operators took over in April, 1979 pursuant to a lease which is to run until 1992. That lease establishes a rental formula which includes a percentage of the Marina's gross sales. As noted earlier, the rental rates commencing August 1, 1980 with respect to aquatic clubs on Metro lands are based upon a formula calculated using TIM as a yardstick.

TIM is located on the westerly portion of Centre Island Park. Metro Parks and Property Department has calculated that TIM occupies a total of 24.2 acres of land and water. Members of the general public are not excluded from this area by a fence or by any other means. Its provisions store and snack bar are open to the public.

The Marina is open annually from May 15 to October 15, and also provides winter storage facilities. Other amenities which are available to users of the Marina are showers, washrooms, day-sailing lockers and a laundromat. TIM operates its own ferry service which is restricted to members and their guests during busy times,

but open to all at other times. It runs a sailing school which is open to the public.

Joe McKenzie, the Marina's President, gave evidence that the Marina has a capacity of approximately 500 boats and estimated that each boat would be used by an average of three family members. Boat slips are allocated each season on a first-come, first-served basis, but preference is given to those who have rented space during the previous season.

The rental cost depends solely on the length of the boat. The approximate seasonal rental rate for a 20-foot boat is \$395. and \$995. for a 50-foot boat. Mr. McKenzie testified that the average boat length at TIM is about 26 feet.

TIM is connected to Metro's sewage system on the Islands. Mr. McKenzie stated that the Marina relies on its own staff and on Metropolitan Toronto Police to provide security. TIM has used the services of the Island Fire Department and has called on the Toronto Harbour Police in emergencies.

North Toronto Sailing Club

The North Toronto Sailing Club was started in 1966 as an offshoot of the YMCA. It was incorporated as a non-profit organization in 1970, in which year it moved to the Toronto Islands.

The Club rents space from the Toronto Island Marina. Although it has had a lease in the past, there is no formal lease with the current operator of the Toronto Island Marina.

This Club operates on the Islands each year from mid-May to the end of September. It also holds meetings and lectures on the mainland during the off-season. The Club owns two power boats and 14 sailboats which are used by members and their guests. It does not maintain a private ferry service: its members use either the Metro Parks ferry to Centre Island or the Toronto Island Marina ferry.

Yvonne Van Zon, Vice-Commodore of the Club, testified that it currently has 155 members and could probably expand slightly. The cost of membership consists of an initiation fee of \$25. and an annual membership charge of \$125.

Westwood Sailing Club

According to the testimony of Patrick Costello, its Commodore, the Westwood Sailing Club was founded in 1967 and was located in the vicinity of the Toronto Island Marina. The Club moved to its present facility at the Algonquin Island Association Clubhouse in 1970. The current lease between the Westwood Sailing Club and the Executive of the Algonquin Island Association runs from May 16, 1980 to May 22, 1981, at a rental rate of \$3,245.

The Club's season extends from mid-May to the end of September. It owns 15 small sailboats which are used by its members. These boats are kept on the west side of Algonquin Island. There is no fence surrounding the area. The Club maintains a private ferry which makes one round trip each weekday between the mainland and the Islands. Generally, members use the Metro Parks ferry to Ward's Island.

By-law No. 1 of the Westwood Sailing Club provides that the Club shall have the following types of members: regular, honorary, waiting list, and associate. Mr. Costello gave details of current membership numbers, totalling 205. He said the Club has no waiting list for membership. The only qualification for membership set out in the By-law is the ability to pass a swimming test. The cost of membership consists only of yearly dues of \$150. for regular members and \$40. for associate members.

The Westwood Sailing Club has not negotiated any lease arrangement with Metro, although it did make a proposal to the Metro Parks and Property Department that the Club be permitted to occupy space on Snake Island, which is immediately west of Algonquin Island.

Sea Hawks Boys' Club

This Commission received a letter from George Pearce, Skipper of the Sea Hawks Boys' Club, after the last witness had been called at the formal hearings. In the result, the information obtained about this Club was somewhat limited.

The Sea Hawks were organized in January, 1950 and are located on the south side of Algonquin Island. Their boat-house was built in 1952. The Sea Hawks currently own 26 boats and operate a ferry from its dock at Harbourfront to the Islands. Over the years, more than 1,500 boys and girls have participated in the Club.

Since 1973, the Club has received grants from various levels of government and private sources to operate a free sailing programme for boys and girls from downtown Toronto. The major grants received by the Sea Hawks for 1980 were: \$20,000. from the Federal Government; \$6,000. from the Province of Ontario; \$1,000. from the City of Toronto; and \$2,600. from the Optimists Club.

Jain & Co. of Canada (Boat Livery)

The boat livery operates out of a boathouse constructed by Metropolitan Toronto on Centre Island adjacent to Long Pond and Manitou Bridge.

Jain & Co. of Canada has operated the boat rental concession under a lease it made with Metro on February 19, 1971. It was a ten-year lease commencing May 1, 1971 and matured on September 30, 1980. Under the lease, Jain & Co. of Canada was to make rowboats and canoes available for rental to the general public and provide daily lifeguard services. The season was stated in the lease as being May 1st to September 30th of each year. Rental was to be based upon a formula calling for the greater figure of \$401. each month or 15% of gross sales.

Christopher Roberts, Metro's Deputy Commissioner of Parks gave evidence on September 30, 1980 and testified that, as of that date (coincidentally, the expiry date of the lease), consideration was being given not to renew this lease, or at least that part relating to canoes, because of a concern for public safety.

Jain & Co. of Canada (Bicycle Rental)

The bicycle concession is located in part of a building erected by Metro for general parks purposes on Centre Island adjacent to the south end of the Avenue of the Islands.

Metro Toronto entered into a lease dated February 24, 1971 with Jain & Co. of Canada covering a 10-year period expiring September 30, 1980. The lessee was to operate a bicycle rental concession consisting of a minimum number of 130 standard type bicycles on Toronto Islands Park. May 1st to September 30th was to constitute the annual season. For the first five years the rental was to be the greater of \$1,351. each month or 27% of gross receipts: for the second five years the corresponding figures are \$1,501. and 30%.

Dalmar Foods Limited

Garfield Waller, Vice-President of Dalmar Foods Limited and head of the division responsible for its outlets on Toronto Islands, testified before the Commission.

Dalmar operates 10 food outlets on Toronto Islands. Six of these are in Centre Island Park, one on Olympic Island and three on Hanlan's Point. (It also operates one at the ferry dock terminal on the mainland.) Eight of the Island units are food stands offering soft drinks and snacks. The ninth is the Brau Haus, a licensed restaurant to be found near the ferry dock at Centre Island. The tenth (Iroquois Coffee Shop) is a sitdown facility located near the Far Enough Farm, and is shown in the following photograph:



Mr. Waller believed the first lease between Dalmar and Metro ran from 1960. A lease, dated December 1, 1971, for a period of 10 years commencing January 1, 1972 (maturing December 31, 1981) was filed as an exhibit.

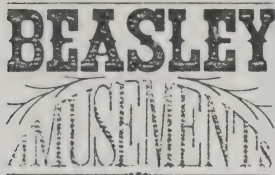
Most of the units occupied by Dalmar were built by Metro. In 1972, Dalmar constructed the Brau Haus and also a warehouse located on the grounds of the Metro Works Department. In the event of non-renewal of the existing lease, the lessee is required to remove those buildings and restore the grounds to their original condition within 30 days or the structures and facilities not removed become the property of Metro. In this event, no compensation is due the lessee.

The lease specifies minimum operating periods for the various locations on the Islands. The earliest a unit is required to open is the second weekend in April, weather permitting. This refers to the Iroquois Coffee Shop. Two identified facilities, one of them the Iroquois Coffee Shop, must remain open until October 15th.

Rental rates pertaining to the Dalmar Island outlets are determined according to a formula which provides for the greater of \$30,000. or a percentage of gross sales, the percentage being 20 per cent on the first \$400,000., 22.5 per cent on the next \$150,000., and 25 per cent on any excess of \$550,000. Taxes, both business and realty, are to be paid by Dalmar.

Dalmar, as in the case of Beasley, has been using paid advertising to promote its Islands operation.

William Beasley Enterprises Limited
(Food and Amusements)



Although Metro Parks policy seems to base the awarding of concessions on the Toronto Islands by tender, an exception was made in the case of "Centreville", a children's amusement park operated by William Beasley Enterprises Limited. Centreville is located on Centre Island Park, immediately south of Olympic Island and, relying upon a map furnished by Metro, it occupies 12.30 acres of land. Chris Roberts, Deputy Commissioner of Metro Parks, described the site as a three-quarters scale replica of an early Canadian village. The amusement complex consists of 19 "rides" and, in the evidence of Douglas Brown, General Manager of the Centreville operation, some 14 or 15 food outlets, including two sit-down restaurants. The arrangement with Metro allows the Beasley operation to sell novelties in their outlets.

Some of the activities available at Centreville are shown in the photographs on the following page:



A lease between the Metropolitan Corporation and William Beasley Enterprises Limited, dated February 23, 1966, dealing with the children's amusement area was tendered to the Commission. It specifies a 25-year term commencing May 15, 1967 and terminating on May 14, 1992. The testimony of both Mr. Roberts and Mr. Brown made mention of an agreement which extends the term of the lease for an additional ten years--to the year 2002. The lease in question has

a provision requiring the concessionaire to spend between \$850,000. and \$900,000. over a five-year period in the construction of the amusement park. In the event of non-renewal, the lessee is required, by the lease, "to remove its facilities at its sole expense and restore the grounds to their original condition." Rent is specified as the greater of \$100. each month of the four operating months for each of the amusement rides or 15 per cent of gross receipts (increased in 1972 from the previous 10 per cent). Beasley is to pay business taxes. Metro pays the realty taxes on the property. The stated minimum season is May 15th to September 15th in each year. The amusement area has, in fact, stayed open longer and has extended into October, depending on weather conditions.

The lease under examination gives the lessee "the exclusive right to operate the Concession on Toronto Island, for the specified twenty-five year period,...." Also, the lessee has "the first right of refusal to all other amusement concessions of a type similar...on Toronto Island..."

A second lease between Metro and the Beasley operation, relating to food and novelty outlets in the children's amusement area, embraces the

period from May 15, 1970 to September 15, 1991. Upon termination, the lessee is required to remove its facilities at its own expense and restore the grounds to their original condition. Rental rates are the greater of \$100. per month for each outlet for each of the four months of the season or 15 per cent of gross sales (increased in 1972 from the previous 10 per cent). Beasley is to pay business taxes. Metro pays the realty taxes. The stated minimum season is the same as that under the first lease dealing with the amusement area.

Commencing May 1, 1969, Beasley operated an internal transportation system (trackless train). This service was discontinued on September 30, 1973. Beasley felt it uneconomical to operate. No tenders were received for its continuation.

Mr. Brown told the Commission that the Beasley operation started advertising three years ago and spent about \$150,000. each year over the last two.



Summer Centre for Seniors

Ray Tomlinson, Commissioner of the Metropolitan Toronto Social Services Department, testified regarding his Department's involvement with a non-profit organization which operates a recreational programme for senior citizens on the Islands each summer.

According to Mr. Tomlinson, the organization of this group, the Summer Centre for Seniors, started in about 1970 with a small number of elderly citizens. In 1974, the organization was formalized by incorporation.

The Summer Centre for Seniors currently operates out of two Metro owned buildings: the Anglican Rectory and the Parsonage located on Ward's Island opposite the Algonquin Bridge. These two buildings have been designed and renovated to enable access to the elderly and handicapped.

The Metropolitan Toronto Social Services Department, under The Elderly Persons' Centres Act contributes approximately 20 per cent of the net operating cost of the organization. Subsidies in 1979 and 1980 were \$13,000. and \$16,000. respectively, reflecting an operating budget of the Centre in 1980 of \$81,000. Mr. Tomlinson testified that in addition to providing monetary support, his Department refers a large number of elderly citizens to the Summer Centre programme "...so that they do have some opportunity to change the environment from the mainland and go over to the Island during the summer months."

During the summer, the Centre operates each day for two eight-week periods. In September, daily programmes are offered to participants and in October, activities are run on Sundays only. Mr. Tomlinson estimates that 1,000 seniors are involved in the summer programme.

The Centre provides a multitude of indoor and outdoor recreational activities. These include shuffleboard, nature walks, arts and crafts and barbecues. Mr. Tomlinson pointed out that a certain per cent of the senior citizens enjoy the nature strolls, the open space and the ability to walk around and observe things that they do not see on the mainland. These outings would include walks through the existing residential communities.

Mr. Tomlinson informed the Commission that he has proposed a suggestion to the Metro Parks Department that a development of a "vacation village" for senior citizens on Algonquin Island be considered if the Island becomes available. In his view, the Islands offer a setting of open space, trees, gardens, beaches and water which he feels is particularly desirable given its proximity to the mainland and medical facilities. Of the locations on the Islands, he felt Algonquin Island was appropriate because it is a confined area unto itself where access and egress could be controlled. The "village" is merely at the concept stage, and has not, as yet, been the subject of a formal study because of the uncertainty about the future of the residential community on the Toronto Islands. His idea of a "vacation village" would

involve the creation of a facility which could accommodate seniors from institutions around Metro for one week overnight stays during the summer months and could be extended to lower income families and children for camping and vacationing at other times of the year.

CKEY Towers

From January 1, 1963, for a period of 20 years, Metropolitan Toronto became the lessee of the Ontario Minister of Lands and Forests in respect of 61.64 acres of water lots situate south of Toronto Island under the waters of Lake Ontario. This lease expires on December 31, 1982, but contains a provision at Metro's option to renew for a further period of 10 years.

On July 7, 1966, Metro, in turn, sublet 54.52 of those acres to Shoreacres Broadcasting Company Limited, the term to expire on December 31, 1982, also with a 10-year renewal clause.

So far as rent is concerned, Metro was to pay \$1,057. annually to the Province for the 61.64 acres, and Shoreacres was to pay \$952.84 annually to Metro for its 54.52 acres. In December, 1970, Shoreacres assigned its lease to Maclean-Hunter Limited.

According to a map supplied by Metro, some 2.28 acres of land located on Gibraltar Point are shown as leased to CKEY. Documentation indicates that Metro Council, on May 15, 1962, authorized leases for the water lots and the lands to Shoreacres. There is no indication of any previous lease for these lands and, from a reading of reports relating to these leases, it is evident that this arrangement first came about in Metro's era on the Islands.

CKFH Towers

Radio Station CKFH rents some 6.79 acres located within the compound of land occupied by Metro Works Department on Centre Island, according to a map furnished by Metro.

Metro supplied the Commission with a lease dated July 14, 1970 made between the Municipality of Metropolitan Toronto and Foster Hewitt Broadcasting Limited. It has an expiry date of December 31, 1980, with a right of renewal for a further 21-year term. This lease provides for an annual rental rate of \$6,000., with the lessee being responsible for the payment of taxes. Metro has the right to terminate the lease by giving one year's written notice if it needs "possession of the said land for municipal purposes". A condition of such termination requires Metro to "provide an alternative site on Toronto Island" for the unexpired period "provided that such alternative site will not substantially interfere with the use and enjoyment of parkland by the public".

Should Metro terminate and offer an alternative site, it is the responsibility of the lessee to remove at its own expense the buildings and structures to the new location. In the event that it does not, the buildings and structures become the property of Metro and there is no right of compensation. If the lease is simply terminated, the lessee has six months to remove the buildings altogether and, if it does not, the buildings accrue to Metro with no compensation.

In Report No. 11 of the Metro Parks, Recreation and Property Committee, dated September 22, 1980, the Parks and Property Commissioner, Robert Bundy, stated that: "Although I would prefer that the lease be not renewed, I am bound by the clause in the lease ... whereby the Lessee has the right to remain on the land for a further period of twenty-one years from January 1, 1981."

On October 7, 1980, Metro Council adopted an arrangement for the new 21-year lease providing for an annual rental of \$27,500. with an escalation clause of nine per cent per annum. This lease will mature on December 31, 2001.

Earlier documentation indicates that there was a lease between the City of Toronto and Foster Hewitt, dated August 29, 1950, for Toronto Islands property covering a period of 10 years commencing August 1, 1950. That lease contained a renewal clause at the option of the lessee for a further term of eight years and five months. That would bring the date, assuming there was a renewal, to December 31, 1968.

Metropolitan Toronto Works Department (Filtration Plant)

Another occupant of the Toronto Islands is the Metropolitan Toronto Works Department which occupies 67.32 acres on the western portion of Centre Island.

Robert Ferguson, Metro's Deputy Commissioner of Works, supplied the Inquiry with a map indicating each structure and its use at this location. A network of roads connects the various facilities on the grounds.

Certain sections of the site are leased by Metro to third parties: Foster Hewitt Broadcasting Limited, occupying 6.75 acres of fenced area for the CKFH radio tower; Dalmar Foods Limited, having a food warehouse; the Department of National Defence, maintaining a small area for an Air-Raid Siren; and the Toronto Hydro-Electric System, keeping a small building. Metro Parks has its main administration building there as well.

The Works complex houses the Island Filtration Plant. It was first built as a pumping station around 1850. In 1911, it was decided to enlarge and modernize the station and the current plant was erected. At one time, it was Toronto's only source of purified water. Responsibility for its operation was assumed by Metropolitan Toronto in 1953 and it was modernized in the mid-1970's. Its use now is limited to peak periods, essentially in the summer months.

A large fenced tract of approximately 11 acres encloses an abandoned underground filter region. There were sand filters in that area which were used in connection with the filtration process. In 1964, these filters became obsolete and since that year the original underground tanks have been converted for the storage of filter backwash material. The land in question is encumbered by approximately 1,296 manhole covers.

In the "Toronto's Island Park Neighbourhoods" Report (September, 1973), the City of Toronto explored the possibility of integrating the fenced portion of the Filtration Plant into the surrounding park. It was concluded in that Report that if the underground basins could be covered in some decisive manner, prime location recreational space could be made available to the public.

Upon initiation by Counsel for the Island residents, Mr. Ferguson was asked to prepare a cost estimate regarding conversion of the underground filter area into parkland. After study, Mr. Ferguson responded by letter and estimated the capital cost required to remove the underground tanks and covers and restore the grass to elevation at \$1,250,000. An additional capital expenditure of \$1,500,000. was estimated to be required to provide an alternative method of handling the filter backwash material currently being stored in the tanks. This alternative would involve the construction of a pumping station and force main to convey

the material from the Island plant to the Low Level Interceptor on Front Street. In addition to these capital expenditures, an estimated annual sewage treatment cost of \$300,000. (based upon peak period operation for disposal of the material) would be involved. A wet well and surge capacity would be necessary for the pumping station and approximately two and one-half acres of the existing lands would have to be retained. This would permit the removal of existing fencing from the residual eight or so acres.

With respect to the lands occupied by Metro Works, they are not closed to the public. In the words of Mr. Ferguson, however, "...we don't preclude them from coming in, but on the other hand we don't encourage them. If they wish to make use of it for passive purposes, they can walk up to any of our buildings and any of our plants." Mr. Ferguson added that there would be a concern about public safety with respect to the sea wall (at the western limit of the area) which, to him, represents a substantial hazard. He said it would probably have to be fenced if there were more public use of the area.

The Island Filtration Plant is shown in the photograph appearing on the next page.



Ward's Island Association

In 1916, the Ward's Island Association was formed as a recreational organization by Island residents primarily to provide a summer programme. A permanent structure, located near the Ward's Island ferry docks, was erected by Island residents in the early 1920's to serve as a community hall. It was built by a contractor, the funds having been raised by the residents.

Subsequently, a second, smaller administration building, primarily used by the bowling club, was built. Over the years, the smaller building has served a number of functions, including as a centre for distribution by the Island Food Co-operative. The Association also built adjacent tennis courts, badminton courts, horseshoe pitch, bowling green and baseball diamond.

Elizabeth Amer, a resident of Ward's Island for 43 years, testified that the Ward's Island Association Clubhouse is used not only by the residents for community events, but also by groups from the mainland who rent the building for wedding receptions and other festive occasions. She said that Church Street School Day-Care Centre operates out of the Clubhouse in summer months, as does the Island Canoe Club, an organization supported by the community.

Because the Ward's Island Association Clubhouse is not winterized, residents use the Algonquin Island Association Clubhouse during winter months. In the summer, when the Algonquin Island Association Clubhouse

is used by the Westwood Sailing Club, residents participate in activities at the Ward's Island Association Clubhouse.

The City of Toronto was the original lessor. In 1956, the Metropolitan Corporation assumed these lands and a lease dated May 30, 1958 made with the Metropolitan Corporation fixed the termination date to be December 31, 1968. The annual rental was to be \$25. The lessee was to be responsible for the payment of taxes and for the making of repairs. No assignment or sublease was to be permitted without leave of Metro. The use was to be restricted to that of a clubhouse. Provision was made for either party at any time to terminate the lease by giving one year's written notice. Upon termination, the lessee would be required to remove all buildings within one month, and if they were not so removed they would become the absolute property of Metro without compensation to the Association.

Extensions were granted and the last agreement, dated July 28, 1971, extended the lease until August 31, 1972 and from year to year thereafter unless terminated. Termination with respect to any subsequent annual tenancy was to be effected by either party giving at least 90 days' written notice.

The municipal address of the Ward's Clubhouse is 10 and 20 Withrow Avenue. According to the Schedule to and section 1 of The Toronto Islands Act, 1980, the premises

at that address were the subject of a writ of possession issued pursuant to an order of the County Court made on October 24, 1977.

Dealing with ground rent (later occupation compensation) and realty taxes, only the former is delinquent. According to the Treasury Department of Metro, no payment by way of occupation compensation has been made with respect to any year later than 1974-75. Realty taxes, payable to the City of Toronto, have been paid each year. For 1980, the Ward's Clubhouse taxes amounted to \$834.32.

The Ward's Island Association Clubhouse is depicted in the photograph below:



Algonquin Island Association

In the early 1950's, residents of Algonquin Island determined that there was a need for a community centre. They raised money for materials and volunteered their labour to construct a building over a period of some two to three years.

Because the Algonquin Island Clubhouse is winterized, it operates on a year-round basis for a number of different groups. Toronto Island Residents' Association winter meetings are held there. Church services take place there on occasion. The Toronto Board of Education utilizes the building for adult education programmes. The Montessori School operates out of this Clubhouse from September to June each year, and overlaps for about a month both in the spring and fall with the Westwood Sailing Club which pays the Association an annual rental, this year amounting to \$3,245.

Robert Bundy, Metro's Parks and Property Commissioner testified that the original lease between the City of Toronto and the Algonquin Island Association seemed to run from January 1, 1950. He said the annual rent was \$75. and it was a non-compensation lease. He produced an Agreement Extending Lease dated July 28, 1971 between Metro and the Association which made reference to a lease dated June 10, 1965. That agreement extended the term to August 31, 1972 and from year to year thereafter in similar fashion to

the Metro arrangement with the Ward's Island Association Clubhouse. Assigning and subletting were to be prohibited without the consent of Metro. Other terms and conditions appear to parallel the situation of the Ward's Clubhouse.

The municipal address of the Algonquin Island Association Clubhouse is 18 Wyandot Avenue. In like manner to the Clubhouse at Ward's, it too was subject to a writ of possession by virtue of an October 24, 1977 Court order.

Metro's Treasury Department's records indicate that no payment was made for occupation compensation with respect to these premises for any year beyond 1974-75. However, Counsel for the residents of Toronto Islands produced a document showing that a \$300. debit entry had been made against the account of the Algonquin Island Association in favour of the Metropolitan Treasurer on June 20, 1980. That sum would represent four years of compensation. City of Toronto realty taxes have been collected each year. In 1980, they were levied in the sum of \$972.93.

A photograph of the Algonquin Island Association Clubhouse appears on the following page:



St. Andrew-by-the-Lake Church

By the 1880's, the population of the Toronto Islands was substantial enough to warrant the construction there of a church. In 1884, the Church of St. Andrew-by-the-Lake was constructed with funds raised by Island residents. The original site for the church was on Centre Island on the south shore near the Filtration Plant.

In 1959, the Metropolitan Parks Department purchased St. Andrew's Church from the Anglican Synod for the sum of \$22,978. These monies were to be held in trust by the Diocesan Fund for the congregation of St. Andrew's to be used for the church and parish. A lease entered into with the Municipality of Metropolitan Toronto gave the Synod the right to use the premises as a church or chapel for the period from January 1, 1969 until such time as the premises were no longer being used as a church or if the building was required for municipal purposes. While minor repairs are the responsibility of the tenant, the Metropolitan Corporation is required by the lease to pay for major repairs.

The Church was moved to its present location about 20 years ago and can now be found on the north shore of Centre Island across from Centreville Amusement Park.

Although this Church has been designated under The Ontario Heritage Act, it has recently been closed by Metro Parks on the advice of their structural consultants who have warned that the building is unfit for use by the public. Rehabilitation costs to put the Church into a good state of repair acceptable for long term use by the public, including refurbishing of the Church's artifacts would be approximately \$415,000. An estimated sum of \$245,000. would be required simply to put the Church into a safe structural condition acceptable for a five-year period of time. To date, no such renovations have been undertaken.

Alice Aitken, a resident of the Islands since 1929, testified before the Commission that she had been very active in the Church congregation until it moved to its new location. In her opinion, attendance declined because residents had difficulty travelling to the Church because of its considerable distance from Ward's and Algonquin Islands. Now that the Church is closed to the public, services are conducted in various residents' homes, or at the Ward's or Algonquin Clubhouses.

The exterior and interior of the Church are shown in the photographs appearing on the next page.



St. Rita's Church

Very little information about St. Rita's Church was available to the Commission. Also on Centre Island, St. Rita's was acquired by the Metropolitan Corporation in 1970 from the Roman Catholic Episcopal Corporation for the Diocese of Toronto at a cost believed to be \$21,630.

An agreement was made with the Roman Catholic Episcopal Corporation which commenced on January 1, 1971 and it contains similar terms to the agreement entered into with the St. Andrew-by-the-Lake Church.

St. Rita's is located south and slightly east of St. Andrew's.

"Far Enough" Farm

Metro Parks built a children's farm in 1959 and still operates it. The farm, called "Far Enough" Farm was named by Thomas Thompson, then Metro Parks Commissioner, who said that "a lady put her children there one day and she said we've walked far enough, let's go home,"

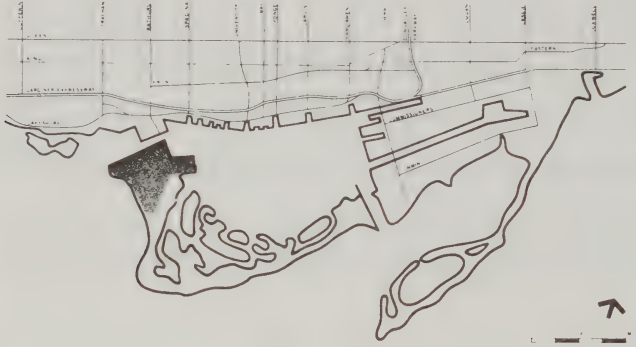
The farm is located at the southeastern tip of Island Park, in the Beasley Amusement area and occupies 3.30 acres, exclusive of the 12.30 acres of the Beasley operation.

One view of the farm is shown in the following photograph:



Toronto Island Airport

The Toronto Island Airport occupies the extreme north-westerly portion of Toronto Islands, generally known as Hanlan's Point. The site's northern boundary is only 400 feet from the mainland across the Western Channel. Its location on the Islands can be seen on the following map:

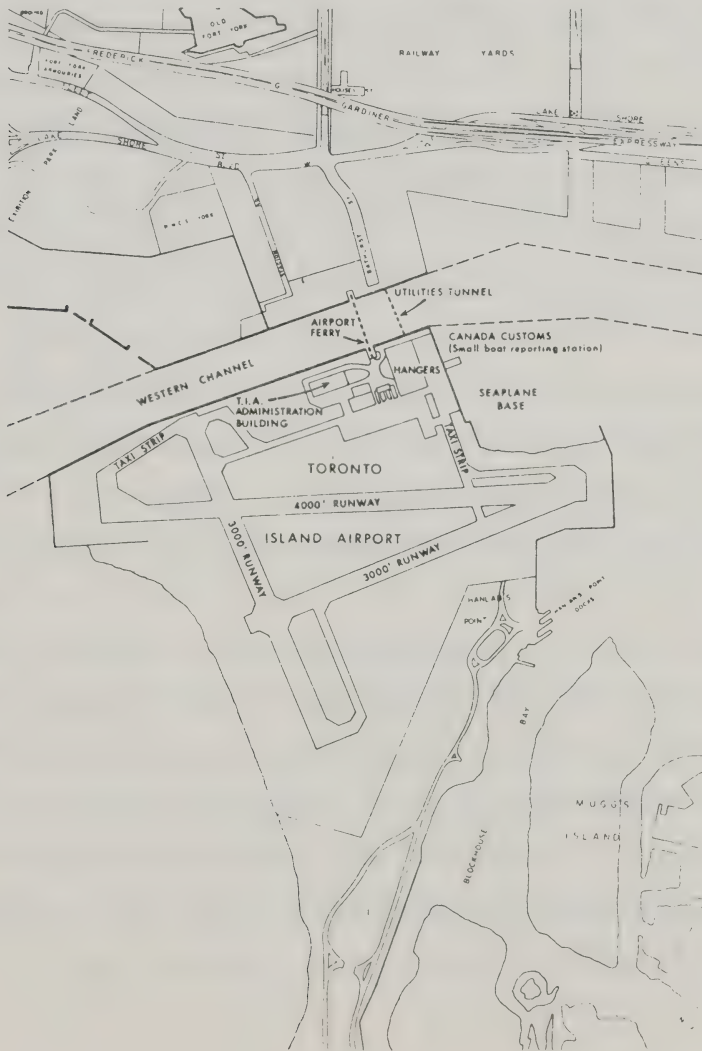


Simon Chamberlain, Programme Manager - Research for the City of Toronto Planning and Development Department, testified that the Airport lands constitute approximately 215 acres.

Before these lands were selected by the City to be the site of what was then planned to be Toronto's primary airport, Hanlan's Point was a developed recreation and cottage area. According to the evidence of the Toronto Harbour Commissioners' General Manager, Ian Brown, construction began on the Airport in 1937 and was completed in 1939. The size and shape of the Island Airport was artificially augmented by dredging and landfill operations of the Harbour Commissioners.

The Island Airport was officially opened as "Port

George VI" in 1939. During World War II, it was used as a training base for the Royal Norwegian Air Force. In 1945, the facility reverted back to a civilian airport. Further development occurred in 1953 when the Department of Transport established a control tower at the site and, in 1961, a 4,000-foot runway was completed. A map of the Airport appears below.



Before the early 1960's, the Airport was operated under the authority of the City of Toronto. On July 1, 1962, the operating responsibility was transferred officially to the Toronto Harbour Commissioners.

In a March, 1977 Report entitled "Alternative Non-Aviation Uses", co-authored by the City of Toronto Planning Board and the Ministry of State for Urban Affairs, the ownership pattern of the Airport site is particularized as follows:

OWNER	ACRES	PER CENT
Toronto Harbour Commissioners	162.1	75.4
City of Toronto	47.5	22.1
Federal Government	5.4	2.5
Total	215.0	100.0

The land owned by the City is a long narrow strip running in a north-south direction, occupying a strategic area crossing two of the Airport's major runways.

When operating responsibility for the airport was transferred, the City entered into a lease agreement with the Harbour Commissioners which expires in 1983.

The Airport maintains two 3,000-foot runways and one 4,000-foot runway, providing sufficient accommodation for all types of light aircraft and small business jets. The facility also includes a seaplane base.

Mr. Brown testified regarding the current status of the Island Airport. It is primarily used for general aviation purposes including recreational flying, flight training, some charter operations, some sight-seeing flights, corporate jet use and, at present, one scheduled service operating to Ottawa and to Peterborough. Mr. Brown added that at least two other companies have licences to operate scheduled services from the Airport, but had suspended their operations at the time of his testimony.

Although the Airport is open all year-round, problems may be experienced in bad weather or conditions of poor visibility by pilots because it is licensed for Visual Flight Rules only. The alternative, Instrument Flight Rules, is not allowed because of the Airport's proximity to the downtown buildings and the CN Tower.

Harbour Commissioners' literature ranks the Island Airport amongst Canada's busiest airfields because of its popularity as a training base for civilian pilots. Takeoffs and landings, recorded by the control tower, average in excess of 190,000 every year.

Mr. Brown advised the Commission that operating deficits had reached \$300,000 a year by 1974. In that year, the Harbour Commissioners advised governmental authorities that they would be no longer able to keep the Airport open unless other financial arrangements

were made. The Federal and Provincial Governments agreed to cover the Airport deficit while studies were undertaken to determine the appropriate future use of the Airport site. The arrangement, still in effect to-day, sees the Federal Government picking up the deficit on the operation of the Airport proper and the Ontario Government covering the shortfall on the Airport ferry operation.

Between 1974 and 1978, an intergovernmental group of officials conducted a number of studies embracing possible aviation and non-aviation uses and the various issues of access to the site. Study reports were forwarded to a policy steering group consisting of, according to Mr. Brown, the Federal Minister of Transport, the Ontario Minister of Transportation and Communications, the Metropolitan Toronto Chairman, the Mayor of the City of Toronto and the Chairman of the Toronto Harbour Commissioners. This group, charged with the responsibility for future Island Airport use, has held meetings, but the outcome of their deliberations is being awaited.

Mr. Brown believes that the indecision about the Airport's future and the resulting lack of tenure to be offered to potential operators, is obviously contributing to the growth of the deficit. In the meantime, 1980 figures show the Airport operation deficit alone to be \$300,000. and the Airport ferry deficit to be \$275,000.

Simon Chamberlain testified about the development of waterfront plans. According to him, a 1967 waterfront plan for the Metropolitan planning area (the first major plan since World War II) was prepared predominantly by the Toronto Harbour Commissioners and proposed far-reaching changes, including the relocation of the Island Airport and its replacement with a residential development for 60,000 people, to be known as "Harbour City".

This concept included the creation of a western headland intended to protect the entrance to the harbour from waves. It was on this projected landfill site that a new Island Airport would be recreated. Part of this plan was subsequently republished by the Toronto Harbour Commissioners under the heading "A Bold Concept for the Toronto Waterfront".

Although major features of the 1967 plan were initially accepted by most bodies, including the City of Toronto and Metropolitan Toronto, those portions calling for the creation of a western headland with a new airport on it and Harbour City came under severe criticism and were eventually abandoned.

In 1969, a modification to this plan proposed relocating the Island Airport to the Eastern Headlands because of technical reasons which challenged the feasibility of an airport site on the projected western headlands. According to Mr. Chamberlain, this modified plan created even more controversy than the earlier proposal and was abandoned.

Mr. Chamberlain was one of the individuals responsible for managing the study of non-aviation alternatives for the Toronto Island Airport Study Program established in 1975. The report published in March, 1977 and called "Alternative Non-Aviation Uses", describes four possible scenarios of land use for the current Island Airport site.

Scenario A (Regional Parkland) envisioned the entire area as being developed into regional parkland with a combination of open space and highly-developed active recreational facilities.

Scenario B (Marine Life Park and Parkland) was primarily a marineland complex surrounded by parkland with intensive sports activities. In this option, the complex would be connected to the mainland by a bridge across the Western Gap and a new channel for ship traffic was proposed.

Scenario C (Major Residential Community) involved the same geographical connections as in Scenario B. In this case, the land was to be developed as a major residential community of 5,000 units housing approximately 15,000 residents.

Scenario D (Pedestrian Community and Park) was a combination of a residential community of 3,000 units (between 8,000 and 9,000 residents) and a large area of regional parkland. This would, in effect, expand the Toronto Island Park. As with Scenario A, no bridge to the mainland would be contemplated, but possibly a pedestrian tunnel.

In his evidence, Mr. Chamberlain stated that a report was sent to Toronto City Council for consideration of the four scenarios and, in the result, two of the scenarios (B and C) were found to be unrealistic and should not be considered further. Scenarios A and D are consistent with changes made by City Council to its Official Plan in June of 1979. The Official Plan amendment recites the policy of Council that "Toronto Island Airport Lands shall be used for parks or parks and housing or,...general aviation and uses incidental or accessory thereto". Certain restrictions in the amendment make it clear that a short-takeoff-and-landing (STOL) service is precluded. At the time of Mr. Chamberlain's testimony, the Official Plan amendment was awaiting Provincial approval and the Canadian Transport Commission had not yet rendered its decision on the question of licensing applicants who were willing to provide a STOL service. In the intervening period, I note from the media that certain decisions (particulars of which I need not mention here) have been made and negotiations are now taking place in respect of a STOL service utilizing Toronto Island Airport. As this Report is being written, the matter can be described as being "up in the air".

In answer to a question I put to Peter Atkinson, Counsel to the Island residents, he stated that it was the position of his clients that it was not necessary to hear further evidence with respect to the STOL situation. He agreed that his answer could be taken as meaning that

they did not view either noise or safety as a special concern.



chapter nine

THE RESIDENCES

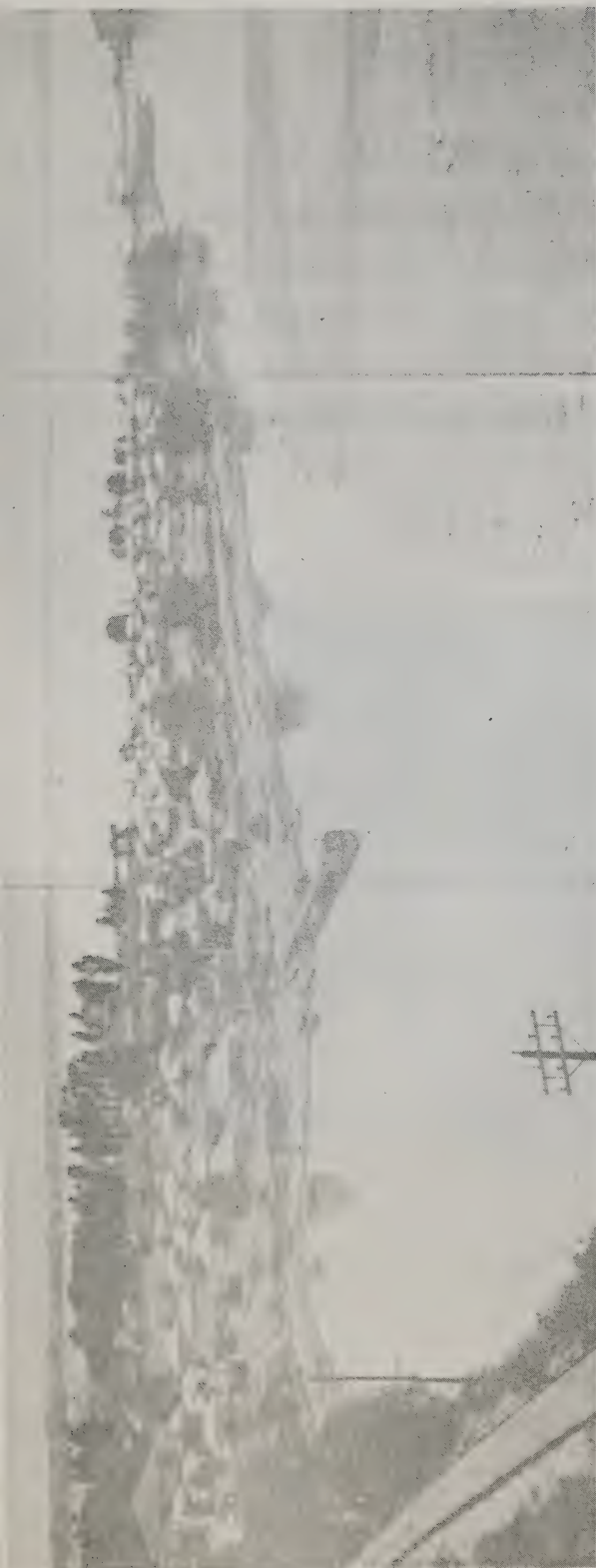
1. AGE, CHARACTER AND CONSTRUCTION
2. LAYOUT
3. ARCHITECTURAL AND HISTORICAL SIGNIFICANCE
4. ENFORCEMENT OF HOUSING STANDARDS
5. CONDITION OF REPAIR
6. EXPLANATION FOR DISREPAIR
7. RECENT IMPROVEMENTS
8. ZONING
9. BUILDING PERMITS
10. ONTARIO BUILDING CODE
11. TRANSPORTATION OF BUILDING MATERIALS
12. COMBUSTIBILITY AND CONFLAGRATION
13. SEWAGE DISPOSAL
14. FLOODING

Age, Character and Construction

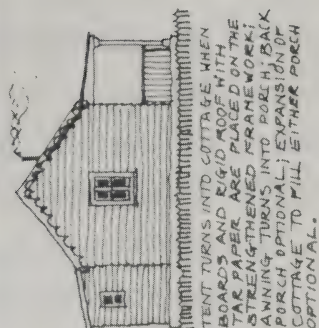
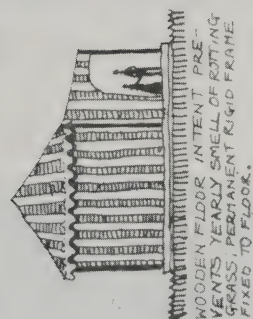
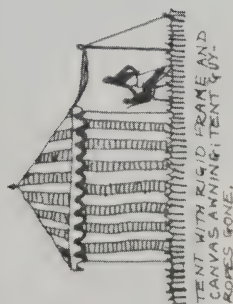
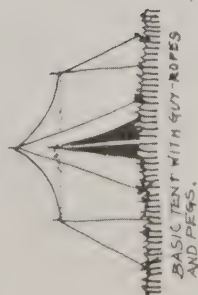
The remaining homes on the Toronto Islands consist of frame construction cottages located on the eastern end of the Islands complex.

Ward's Island began in the 1880's as a settlement of tents used during the summer months. In 1913, given the numbers of tents pitched, the City of Toronto felt it necessary to organize the "tent city" into streets. The evolution from tents to cottage structures progressed, in stages, with the building of floors, and the addition of kitchens and porches, resulting in one-storey summer cottages.

A photograph of the "tent city" taken in 1915 and sketches depicting the typical evolution of a tent to a cottage appears on the following page.



Ward's Island Tent Community (1915)



Typical evolution of Tent to Cottage (Source: Waterfront Precedents, CWPC 1976)

Leases on Ward's granted in 1938 by the City of Toronto did not provide for set-back requirements or minimum dollar construction. With the post-World War II housing shortage, residents of the Islands were encouraged to winterize their homes and use them year-round. While a significant number of the houses on Ward's Island have been made suitable for year-round habitation, some summer cottages still exist today.

The photograph below, showing Ward's Island homes, is a view from the ferry docks.



The first Algonquin Island homes were about 30 cottages floated by barge from Hanlan's Point in 1937, during the creation of the Island Airport. Leases entered into for lots on this Island contained a provision for minimum set-backs. The leases required that within one year from the date of commencement of the lease, the lessee erect a summer cottage of new construction and material of a value not less than \$1,500. Even the homes floated from Hanlan's Point had to be improved to the extent that they had a value of not less than \$1,500. when relocated.

Some Algonquin Island homes are shown in the photograph below.



Layout

The residential area of Ward's Island consists of 147 houses, a group of which is near the Ward's Island beach and the remainder are east of the Ward's Island ferry dock and across from the "village green". The latter group are set on small lots, generally 40 feet by 45 feet, reflecting their tent origin. Ward's Island homes are one-storey frame cottage-like structures. They are located on the following streets: Bayview Avenue, First, Second, Third, Fourth, Fifth and Sixth Streets, Withrow Street, Willow Avenue, Channel Avenue, Lenore Avenue and Lakeshore Avenue.

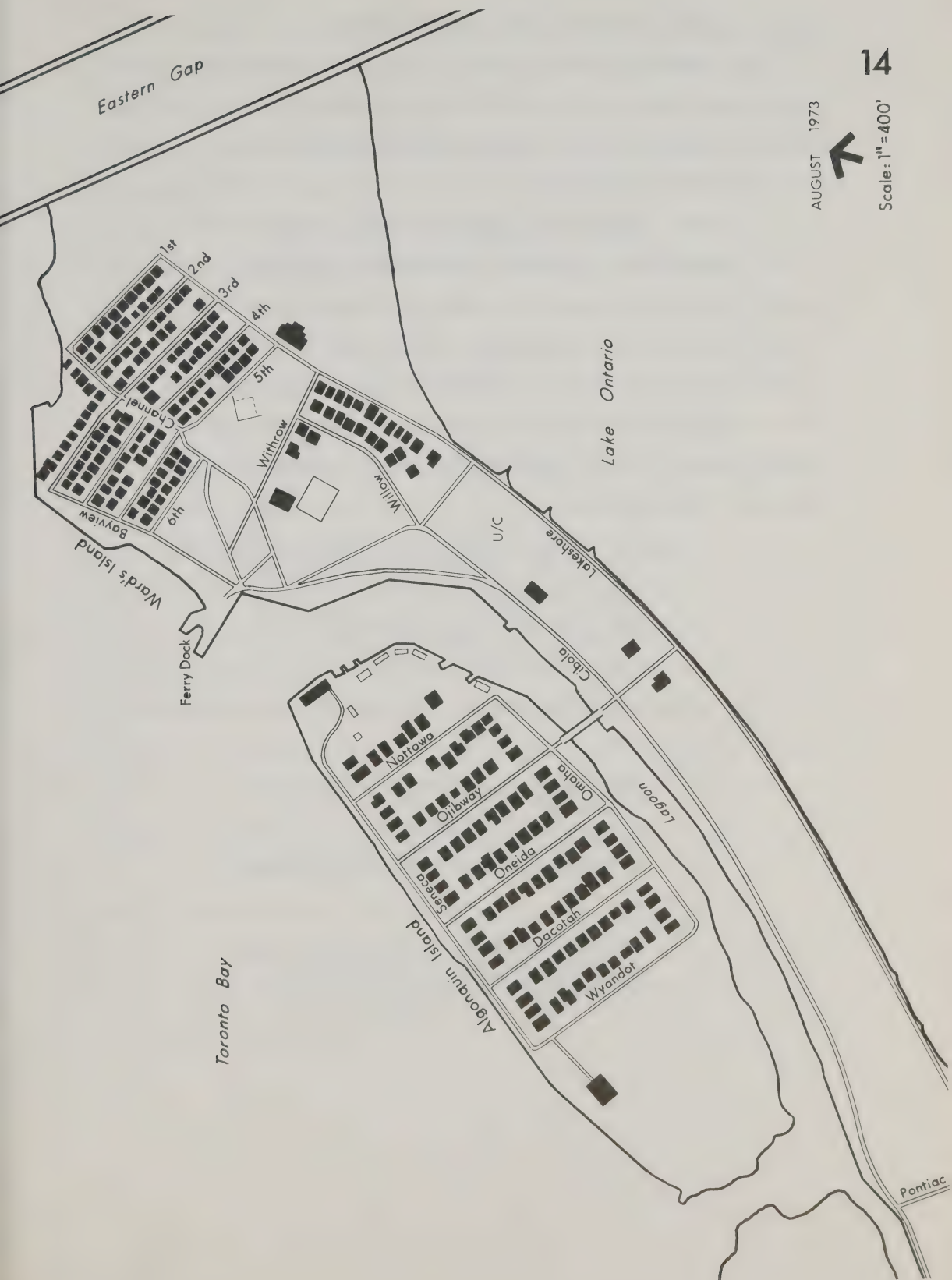
On Algonquin Island, there are 105 homes (two of which are in the possession of Metro). These frame construction cottages are either one or one-and-one-half stories. They are centred on 50 feet by 100 feet lots arranged on a grid system of streets. Houses on Seneca Avenue overlook the Toronto Bay and the majority of houses are set on the north-south running streets: Nottawa Avenue, Ojibway Avenue, Oneida Avenue, Dacotah Avenue and Wyandot Avenue. The remaining homes facing the lagoon are situated on Omaha Avenue.

The map appearing on the following page shows the geography and layout of the Island residences:

AUGUST 1973



Scale: 1" = 400'



Architectural and Historical Significance

No submissions were made to, nor evidence heard by the Commission which would suggest that the remaining residences on the Toronto Islands are of architectural significance.

A common argument in favour of the preservation of the communities of Ward's Island and Algonquin Island is that they are of historical importance. Several persons made statements before the Commission at its informal hearings supporting the preservation of the Toronto Islands community because of its historical significance. David Crombie, Member of Parliament for Rosedale, commented:

... it's an historical community. One of the things we learned over the last 15 or 20 years is that history itself is important, the mere existence of a community for a length of time takes on an importance all by itself.

Two other participants in the Commission's informal hearings said this:

There are few communities or even buildings left in this City to remind us of that history. I don't find the threatening of elimination of history a progressive movement.

o o o

We seem in a hurry to destroy our history, destroy those things which may have been able to tell us something about ourselves.

I was mindful of an earlier newspaper article which reported that on July 31, 1980, the Neighbourhoods Committee of the Council of the City of Toronto moved to try to preserve the Toronto Island homes permanently by having the Island community designated an historic district under The Ontario Heritage Act, 1974. The intended effect of the historical designation would be to prevent Metro from demolishing or removing any of the residences without the permission of Toronto City Council. To develop this aspect, I wanted to hear evidence from an official who would be knowledgeable.

John McGinnis, Managing Director of the Toronto Historical Board, testified on this issue. By declaration of the Council of the City of Toronto, the Toronto Historical Board acts as an Architectural Conservation Advisory Committee under The Ontario Heritage Act, 1974. This Act authorizes City Council to designate property within the municipality to be of historic or architectural value or interest, or to designate an area of the municipality to be a "heritage conservation district". Severe restrictions are placed on any alterations when such a designation has been made. The function of the Toronto Historical Board is to advise City Council whether property or an area should be designated as having architectural or historical significance.

The Review Committee of the Toronto Historical Board was scheduled to meet and consider the request of the Neighbourhoods Committee approximately one week after Mr. McGinnis appeared before the Commission. He later notified the Commission that the meeting had been held and that the Review Committee had declined to take any further action to have the residential area declared an historic site.

The Toronto Historical Board has already directed its attention to whether the residences (as opposed to the residential community) are of architectural or historical importance. According to the testimony of Mr. McGinnis, the Review Committee of the Toronto Historical Board examined photographs of the Toronto Islands residences in June of 1974 and concluded that they were not of sufficient architectural or historical significance to be listed. He also testified that the Gibraltar Point Lighthouse, St. Andrew-by-the-Lake Church, the Royal Canadian Yacht Club boathouse, clubhouse and gate lodge, the pumping station at the Filtration Plant and the Morrison Fountain are Island properties which have been listed as having significant architectural or historical importance, but only the Gibraltar Point Lighthouse and St. Andrew-by-the-Lake Church have been designated under The Ontario Heritage Act, 1974.

The Board has developed criteria for determining whether a structure is of architectural or historical importance. A structure may be listed because it is deemed to be of architectural importance for one or more of the following reasons:

1. It is the work of or reflects the work of a major architect, designer, or landscape architect.
2. It is an outstanding example of its architectural style or period.
3. It is an example of significant engineering or method of construction.
4. It is a work of outstanding quality because of its plan or because of its external or internal treatment of materials, space or details.
5. It is a typical example of a particular period or land use category, residential, commercial, etc.
6. It is the only example or one of the few remaining examples of its period.

The criteria for listing a property due to its historical importance are as follows:

1. It is associated with a person or group of persons of local, provincial, national or international importance.
2. It is associated with an event or movement of local, provincial, national or international importance.
3. It is associated with a history of development of an area. This category would include early structures such as farm and village houses or churches now surrounded by urban development.

4. It is an early example of the work of an important architect or builder.
5. It is an early example of a particular land use category or mode of building.
6. It has a significant relationship to the social history of the area. Included in this category would be sites used over a period of years, such as marketplaces, for example.

Enforcement of Housing Standards

Toronto Island residences are required to conform to City of Toronto By-law 73-68 as amended, which contains standards of repair and maintenance of dwellings. The City of Toronto's Buildings and Inspections Department is charged with the responsibility for enforcing that By-law and the Ontario Building Code (which governs all new construction and construction involving major alterations of existing properties).

George Cook, Deputy Commissioner of the Buildings and Inspections Department, testified that:

Between 1965 and about '67, City Council considered various reports regarding standards to apply to properties which were likely to be demolished within a two-year period. Basically, the concern at that time was over properties within the redevelopment areas where it was known that the properties would be demolished. Council gave direction that only those parts of the property maintenance by-law which applied directly to "health and safety" would apply to properties that were likely to be demolished within two years and that rule was extended to the properties on the Islands....

It is the standard that has been developed and amended over the years and is still in effect on the Island properties and Alexander Park and then the Donmount Village, the latter two areas being redevelopment areas undertaken under the provisions of section 20 of The Planning Act.

From an exhibit filed during Mr. Cook's testimony, the following items are noted to be within the "health and safety" category and, therefore, requiring immediate action for the protection of the occupants and not subject to suspension of enforcement:

1. Repair defective roof.
2. Repair broken chimneys.
3. Repair broken parapet walls.
4. Repair decayed porch flooring.
5. Repair balustrades and replace balusters.
6. Repair broken steps leading to entrances.
7. Replace broken or split joists or provide support for same.
8. Remove obstruction from cellar floor drain.
9. Repair loose, broken cellar stairs.
10. Overhaul defective heating equipment.
11. Replace defective smoke pipe.
12. Properly connect smoke pipe to chimney.
13. Provide thimbles for smoke pipe holes in partitions.
14. Repair broken skylight - weathertight.
15. Reglaze broken windows.
16. Renew decayed woodwork around kitchen sink.
17. Replace broken toilet seat.
18. Repair stairs leading to 2nd - 3rd floor.
19. Repair loose handrail on stairs and balusters.
20. Remove all debris from cellar, yard, etc.
21. Remove combustible materials from yard, etc.
22. Provide water closet in and with access from within dwelling.
23. Renew defective flush tank for water closet.

In addition to the foregoing, certain other deficiencies not specifically dealt with in the housing by-law were considered to constitute a hazard to occupants. These were defective wiring, unprotected smoke pipes close to combustible material, and unclassified, unsafe conditions noted by the inspector. Matters of overcrowding and the use of uninhabitable space were also mentioned.

When asked whether his Department has carried out regular inspections of the Island homes, Mr. Cook replied that in the "last few years, the demands on the inspection services of the Department have been such that we have had to completely abandon that programme and we now only respond to complaints with regard to conditions existing in a building."

Condition of Repair

The state of repair of the residences was a topic to which I felt the Commission should devote as thorough an inquiry as possible. I had an opportunity to look generally at the homes during my bicycle tour and was anxious to read any available reports and hear evidence from those who would be considered experts. It became apparent that some seven years had passed since any inspection of moment had been conducted.

My attention was drawn to a document entitled "Toronto's Island Park Neighbourhoods" published by the City of Toronto in September of 1973. That document contained the figure of 254 remaining cottages, with 223 of the structures or 88 per cent said to be capable of winter occupancy, and 31 or 12 per cent presumably adequate only for summer living purposes.

An inspection survey report was prepared on September 19, 1973 by Mr. J. J. Bradford, Director of the Housing Standards Division, Department of Buildings, City of Toronto and is found as an appendix to the "Toronto's Island Park Neighbourhoods" document.

The inspection survey, carried out in the Summer of 1973, involved inspections of "all but a very few" of the residences on both islands. The survey was completed in response to a request to provide a general outline of then current building conditions and their relationship to standards; problems related to high water levels; and building values and assessments.

The survey report treated each of the Islands separately and then general observations were made.

With respect to Ward's Island, the 1973 survey showed that none of the sewage systems would meet the standards. Of the foundations, it was reported that 68 per cent were supported by wooden posts and were highly questionable as to deterioration; the remaining 32 per cent being on concrete blocks. In most cases, these were not adequately vented, nor was the finished floor from finished grade of sufficient height to provide for proper ventilation. Concerning combustible walls and ceilings, approximately 84 per cent were in this category, whereas only 16 per cent had a gypsum material which was acceptable to the standards. It was found that 17 percent of all floors within the dwellings were decaying and would require extensive repair. The inspection of exterior siding showed that over 43per cent were decayed, decaying or broken in the region next to the grade line.

Turning to Algonquin Island, and on the topic of sewage system, it was noted that all houses inspected had septic tanks in working condition. However, the effectiveness of the field tile or the possible effluent seepage into the lake system had not been determined. Dealing with the foundations, it was expressed that approximately 66per cent of the dwellings were supported by wooden posts, with the remaining 34 per centon concrete blocks. While the situation in this regard was similar to that on Ward's Island, Mr. Bradford

mentioned that the grade above sea level was slightly higher on Algonquin, thereby affording a less damp condition in the surrounding area of the foundation. He added that there was very little improvement for ventilation beneath the floor space over that experienced on Ward's Island and that considerable rot could be expected. It was found that 55 per cent of the dwellings inspected had combustible walls and ceilings and only approximately 45 per cent had gypsum material acceptable to the standards. Conditions of flooring were slightly better than on Ward's Island as only 11 per cent of the floors were noted to be decaying at a rate not acceptable to the standards, indicating the advantage of a higher grade in relationship to sea level. Finally, an anomaly was reported in the case of exterior sidings on Algonquin Island. The number of decayed sidings at ground level was 50 per cent, somewhat higher than on Ward's. This was explained by the fact that more houses on Algonquin Island have a siding enclosing the crawl space which is usually associated with better constructed buildings.

In order better to illustrate in monetary terms (as of 1973) the degree below standards, repair costs were estimated, financial categories drawn and these were tabulated for each Island as follows:

<u>TORONTO ISLAND RESIDENCES</u> <u>1973 REPAIR COST ESTIMATES</u>		
STATE OF REPAIR	WARD'S ISLAND	ALGONQUIN ISLAND
Nominal repairs only	27.53%	42.30%
Not exceeding \$5,000.	55.05%	47.45%
\$5,000. to \$10,000.	14.67%	8.97%
Economically unfeasible to bring to standard, in excess of \$10,000.	2.75%	1.28%
TOTAL	100%	100%

Mr. Bradford pointed out that the repair costs were based upon estimates during the inspection and were in rough figures. He noted that costs on the Toronto Islands would be higher because of the necessity of transporting both labour and materials. Further, he emphasized that the housing standards were minimum standards acceptable for repair and maintenance, adding that a standard less than that set by the City of Toronto would be unacceptable for retention of housing for an on-going programme.

It was Mr. Bradford's opinion that there were many other factors that should be considered: for example, the location of various dwellings as they relate to one another. He stated that many of the buildings were assembled to less than that of good cottage construction. Some, he wrote, were not properly winterized for the climate experienced on the Islands, although many residents had lived there for a considerable number of years under those conditions.

On the question of water levels, he felt that there was a hazardous condition to both health and property in respect of the finished floor level to that of finished grade. This was so even though not all of the dwellings were adjacent to the water's edge. He found a very large proportion of the buildings to be of insufficient elevation to afford good engineering, architectural or aesthetic consideration. It was his belief that the recurring and fluctuating water levels, bearing in mind the ground elevation, would also cause hardship for the community unless corrective action were taken.

The type of construction and the close proximity in many cases of one residence to another was seen as a serious condition relating to the hazards of fire and fire spreading. He noted that some units still had space heaters. Also on the topic of fire safety, Mr. Bradford mentioned that not all houses were occupied in the winter and that would constitute a higher degree of fire peril.

It is of more than passing interest to note the personal observations made by Mr. Bradford in concluding his inspection survey report. The following paragraph from his report bears repetition here:

Should your Committee be considering a recommendation to Council that the Island property be retained for residential purposes, it is suggested that a rare opportunity would be afforded to the City at this time by taking a very bold position, although not necessarily a popular one, to remove all the present houses on the Island and re-plan the area for Housing in keeping with the particular condition and environment provided by the Island location. Should the present type of housing remain and efforts to bring them to standards be undertaken, there is a strong possibility that the houses in the future will be less than a credit to this municipality.

George Cook, Deputy Commissioner, Buildings and Inspections Department, City of Toronto was the principal witness dealing with the condition of the residences. He acknowledged that the last full inspection of the interior and exterior of the homes took place in 1973 and reviewed Mr. Bradford's report.

Mr. Cook stated that under instructions from City Council, an exterior survey took place in July, 1980 to determine whether conditions had changed in the interim seven years. He said it had been their experience that generally the exterior condition is reflected in the interior. The survey was done by Inspector Norm Galley on July 10 and 11, 1980.

Mr. Galley, in a scant (understandably, in view of the task, the time and resources) survey report rendered the opinion that a minimum standard of maintenance was being kept in most cases and certain dwellings were showing signs of neglect. He made specific notes of varying kinds with respect to some 14 properties, six of which were notations about houses appearing to have been raised on Ward's Island. According to Mr. Cook, Mr. Galley felt that conditions had not materially altered in the last seven years. Mr. Galley had not, however, been involved in the 1973 inspections.

For my purposes, the existing data relating to the condition of the residences was grossly insufficient. I had to think of a way to have up-to-date and meaningful information in this area brought before the Commission. With the co-operation of Mr. Rook, representing the City of Toronto, a way was found. The City undertook a major inspection of all residences.

The City inspection was conducted by the Buildings and Inspections Department under the direction of George Cook on September 9, 10, 11, 12, 17 and 20, 1980. It involved a group of 20 staff members initially, and six by the end of the inspection. The inspectors, who were told to inspect properties for conformity with City of Toronto Housing By-law 73-68, coded the infractions and detailed the remedial work necessary to correct the problems.

In addition, they were instructed to itemize the infractions of a "health and safety" nature.

Following the inspections, a senior inspector checked the estimate sheets and then turned them over to an estimator to estimate the cost of performing the necessary work. Costs of "health and safety" items were isolated. As pointed out by Mr. Cook, cost estimates were not to be taken as "rehabilitation" costs, but simply to bring existing buildings into a "good state of repair".

By way of general comment, Mr. Cook indicated that caution should be exercised in comparing the 1980 and 1973 inspections, as the earlier inspection technique was to make general observations of conditions and estimate bulk figures for costs of repairs. The 1980 inspection, on the other hand, included costing of individual items of repair. However, Mr. Cook did say that from his personal observations and a review of results obtained, there appears to be an increase in the cost of required repairs.

Mr. Cook observed also that there is a difference between the properties and lot areas on Ward's and Algonquin. He said that houses on Ward's are situated on 50 foot square lots and occupy 50 per cent of the area. Sewage collection tanks and drainage sumps for waste water are used. The houses are one-storey frame buildings built "to a summer cottage standard of construction".

Lot areas on Algonquin Island are comparable to those in a modern subdivision with the houses being well-spaced. The greater lot area also enables the use of septic tanks with drainage fields for sewage disposal. Houses on this Island are mainly of a higher quality of construction than those on Ward's.

On Ward's Island, 139 of the 147 properties were fully inspected, with the balance inspected externally only. Of 104 inspected on Algonquin, 101 received full inspections and three only externally.

There were 5,111 violations of By-law 73-68 found. The following table lists the particulars:

<u>TORONTO ISLAND RESIDENCES</u> <u>HOUSING BY-LAW VIOLATIONS IN 1980</u>						
PARTICULARS	WARD'S ISLAND		ALGONQUIN ISLAND		BOTH ISLANDS	
	NUMBER	%	NUMBER	%	NUMBER	%
Number of Residences	147	58.6	104	41.4	251	100
Number with Violations	145	58.2	104	41.8	249	100
Number of Violations	3,312	64.8	1,799	35.2	5,111	100
Number with Health and Safety Violations	136	59.4	93	40.6	229	100
Number of Health and Safety Violations	534	62.0	327	38.0	861	100

It can be noted that only two properties on Ward's were violation-free: on Algonquin Island there were none. The inspection found 3,312 infractions of By-law 73-68 on

Ward's and 1,799 on Algonquin. Figures for health and safety violations were 534 on Ward's and 327 on Algonquin.

Cost-wise, the estimates to comply with By-law 73-68 for both Islands was estimated at \$1,728,558. The corresponding figure for health and safety is \$354,849. Further details are shown in the following table:

<p style="text-align: center;"><u>TORONTO ISLAND RESIDENCES</u> <u>ESTIMATED COSTS OF HOUSING BY-LAW COMPLIANCE IN 1980</u></p>			
PARTICULARS	WARD'S ISLAND	ALGONQUIN ISLAND	BOTH ISLANDS
Total Costs to Comply	\$1,180,355.	\$548,203.	\$1,728,558.
Average Cost per Residence	\$ 8,140.	\$ 5,270.	\$ 6,942.
Highest Costing Residence	\$ 18,326.	\$ 18,900.	
Lowest Costing Residence	\$ 249.	\$ 135.	
Costs to Comply with Health and Safety Violations	\$ 269,768.	\$ 85,081.	\$ 354,849.
Average Cost to Comply with Health and Safety Violations	\$ 1,984.	\$ 915.	\$ 1,550.

Estimates listed are based upon both labour and material. The report furnished by Mr. Cook indicates that the repair costs could be halved if they were done by the occupant. These estimates include a 20 per cent premium

to account for island construction plus 30 per cent profit and overhead.

The distribution of residences into ranges of estimated dollar amounts required for compliance with By-law 73-68 was formulated for the Commission and is reproduced, together with percentages, below:

TORONTO ISLAND RESIDENCES						
COMPLIANCE WITH BY-LAW 73-68						
RANGES OF COSTS OF REPAIRS IN 1980						
RANGE OF COST	WARD'S ISLAND		ALGONQUIN ISLAND		BOTH ISLANDS	
	NUMBER	PER CENT	NUMBER	PER CENT	NUMBER	PER CENT
\$ no cost	2	1.4	0	0.0	2	0.8
\$ 0 - 1,999.	5	3.4	27	25.9	32	12.7
\$ 2,000. - 3,999.	13	8.7	20	19.2	33	13.2
\$ 4,000. - 5,999.	29	19.6	22	21.2	51	20.3
\$ 6,000. - 7,999.	30	20.4	14	13.5	44	17.5
\$ 8,000. - 9,999.	25	17.0	7	6.7	32	12.7
\$10,000. - 11,999.	17	11.6	1	1.0	18	7.2
\$12,000. - 13,999.	16	11.0	7	6.7	23	9.2
\$14,000. - 15,999.	6	4.1	4	3.8	10	4.0
\$16,000. - 17,999.	2	1.4	1	1.0	3	1.2
\$18,000. - 19,999.	2	1.4	1	1.0	3	1.2
TOTALS	147	100	104	100	251	100

In the 1973 repair cost estimates, it was ventured that if the costs were in excess of \$10,000., the exercise would be economically unfeasible. No corresponding maximum was put forward in respect of the 1980 estimates.

Concerning the nature of the violations, the major problem areas had to do with foundations, drainage, plumbing and combustible finishes, as detailed below:

TORONTO ISLAND RESIDENCES						
DISTRIBUTION OF MAJOR PROBLEMS BY						
NUMBER OF PROPERTIES						
TYPE OF PROBLEM	WARD'S ISLAND		ALGONQUIN ISLAND		BOTH ISLANDS	
	NUMBER	PER CENT OF 147 PROPERTIES	NUMBER	PER CENT OF 104 PROPERTIES	NUMBER	PER CENT OF 251 PROPERTIES
Foundations	75	51	31	29	106	42
Drainage	101	68	20	19	121	48
Plumbing	101	68	19	18	120	48
Combustible Finishes	123	83	61	58	184	73

The determination of faulty foundations was made by observation only. No endeavour was made to open up the enclosing sheathing of those buildings completely enclosed at grade. The amount estimated was for dry-stacked single concrete block pillars resting on cement pads and not tied to the horizontal supporting beams of the building. While Mr. Cook was able to say that such remedial work would meet the requirements of the housing standards, he conceded that this type of solution was not very stable and that, in the longer term, poured-in-place concrete piers tied to the actual structure would be needed to provide a permanent foundation.

Those properties with combustible finishes were found to have combustible walls or ceilings or both. The replacement of these finished with plaster board is included in the estimates.

Drainage problems on Ward's Island relate to the rusting or perforation of large holding tanks, resulting in water leakage. Failing a sewer system installation, Mr. Cook stated that these tanks should be replaced and agreed with a suggestion that the Medical Officer of Health ensure that the tanks are sound, and emptied at required intervals. Costs of installation of holding tanks are not included in the estimates.

The drainage problems on Algonquin stem from weeping tile faults. The septic tanks are really functioning as holding tanks and would have to be emptied. Again, costs

of replacing or repairing septic systems are excluded from the estimates.

Costs for the installation of a sewer system to service the residential areas of the Islands are not dealt with in the estimates.

Mr. Cook concurred in a description of the current sanitary conditions as "intolerable".

With respect to plumbing within the dwellings, the cost estimates are based upon compliance with standards set forth in The Ontario Water Resources Act.

Mr. Cook, both in his inspection report and during testimony, made various recommendations for the short term. He noted that six systems require immediate plumbing installation and, on Ward's generally, a regular collection and inspection programme is needed to ensure periodic emptying of storage tanks. It is mandatory to remove combustible walls and ceilings immediately, because this falls within the "health and safety" category. Mr. Cook felt such replacement would not be appropriate unless the homes were to remain. Until that is decided, he recommended that each property have a "product of combustion" device or smoke detector installed to give an early warning of fire and allow evacuation of the premises.

In his view, occupants with infractions of a "health and safety" nature such as settlement, decayed flooring, accumulation of combustible material, leaking roof, and the use of uninhabitable

space for sleeping purposes should be required to comply. He stated his intention to send letters to the occupants, detailing violations of By-Law 73-68 and identifying "health and safety" items as requiring immediate action.

With respect to the long term, Mr. Cook said an adequate sewage collection and disposal system was necessary. On Ward's Island, 101 or 68 per cent of the current systems were seen as inadequate. The same applied to 20 or 19 per cent on Algonquin Island. It was Mr. Cook's opinion that only when an adequate sewage collection and disposal system is provided, would it be possible to improve plumbing installations on both Islands.

If a new sewer system were installed, Mr. Cook stated that a detailed planning study should be undertaken to "determine if some of the houses should be relocated, or, given the cost of repairs, demolished and replaced with another home".

Commission Counsel asked Mr. Cook how a set of circumstances could exist with respect to the Island residential areas which allowed even minimum "health and safety" regulations to go unchecked for a number of years. Mr. Cook offered certain explanations, including his assumption that a restructuring of the inspections responsibility which took place within the administration of the City of Toronto in the

interim may have allowed the situation to go unchecked. Having reviewed the evidence carefully, I cannot find a satisfactory explanation. Mr. Cook was straightforward in answering that even the minimum health and safety standards have not been enforced.

Explanation for Disrepair

A number of witnesses were called by Counsel for the Toronto Island residents to offer explanations for the state of disrepair of Island homes. A common explanation was the lack of tenure of the Island community and their uncertainty about the future, given that there have been no leases for some years.

Elizabeth Amer, Co-Chairman of the Toronto Island Residents' Association, testified that another reason why some buildings have fallen into disrepair is because standards have not been enforced by the City of Toronto's Buildings and Inspections Department.

Ron Mazza, the other Co-Chairman of the Residents' Association described the difficulty residents had in obtaining transportation permits from Metro Parks for carriage of building materials.

Christopher Barry, a resident who had to rebuild his home destroyed by fire, spoke of his inability to arrange vehicle permits to enable reconstruction of his house and his ultimate recourse to transportation by private means.

Dale Perkins was instrumental in creating the organization known as Waral, designed to facilitate the transportation of bulk building materials for Island residents. A detailed description of that organization is given later in this Chapter. Waral ceased operations in 1979.

That Island residents have been denied building permits, was another explanation offered by Elizabeth Amer. This is a topic I deal with in some depth, also later in this Chapter. Despite what Ms. Amer said, other evidence showed that building permits have, in fact, been issued.

Recent Improvements

A survey conducted by Island residents in October, 1980 and filed with the Commission, indicates amounts of money and time spent on renovation and repairs of homes since 1973. Responses were obtained from 150 or 60 per cent of the households.

Peter Cridland, an Island resident and one of four individuals who prepared the survey, testified that, of the homes surveyed, a total of approximately \$430,030. had been spent on materials and paid labour since 1973. As between the Islands, \$252,885. was expended on Ward's and \$177,145. on Algonquin.

According to Mr. Cridland's information, building materials of a value of \$284,693. were purchased for the repair of walls; electrical, plumbing and heating systems; foundations; roofing; insulation; and other structural repairs and additions. The balance of the \$430,030. figure (\$145,337.) was attributed to paid labour: \$84,010. on Ward's and \$61,327. on Algonquin.

In addition, he estimated that some 20,500 hours were applied by residents themselves working on their own homes, to which he attributed a figure of \$5. per hour, arriving at the sum of an additional \$102,500. for labour costs.

George Cook, Deputy Commissioner of the City's Buildings and Inspections Department, identified

construction underway on four properties on Algonquin and seven at Ward's at the time of his inspection in the Fall of 1980. He also noted that 12 properties on Algonquin and 21 on Ward's showed evidence of work having been done in the "recent past".

Zoning

At the present time, the Toronto Islands are zoned "G" for Parkland.

The proposed Official Plan Amendment Number 28 and By-Law 408-74 (both of the City of Toronto), would re-designate approximately 62 acres involving Ward's Island east of the Algonquin Bridge and Algonquin Island (excluding the beach areas and the Queen City Yacht Club site) from open space to low density residential. The by-law rezones approximately 29 acres presently occupied by housing from "G" to "R1" with permitted coverage on Ward's Island being 0.6 (Z2) and, on Algonquin Island, 0.357 (Z1). By excluding "G" uses, it is intended to prevent the use for park purposes of the area subject to By-law 408-74. This by-law was adopted by Council of the City of Toronto on June 28, 1974. The Official Plan Amendment provides that "it is the policy of Council that advantage will be taken of all residential buildings now located within the low density residence areas created hereby and take all necessary steps to ensure their preservation".

The by-law and proposed amendment to the Official Plan are still awaiting necessary approvals.

According to George Cook of the City's Buildings and Inspections Department, the current zoning would prohibit any construction or alteration of residential

buildings and would, in effect, mean that any application for a building permit for exterior alterations or additions would be rejected on that ground. The only recourse he saw for a resident would involve making application to the Committee of Adjustments. Nonetheless, as mentioned and as will be discussed later in this Chapter, there is evidence that building permits have been issued.

If the proposed zoning designation were approved, Algonquin Island residences would probably be within the limits prescribed. Properties on Ward's, however, would most likely not comply due to minimum setback provisions in areas of "Z2" designation. Those setback provisions include that a house be a minimum of 20 feet from the street line or the average of setbacks of adjacent properties where they are in excess of 20 feet; 25 feet from the rear property line; three feet from the side lot line (with no openings in building wall) or four feet from the side lot line (where there are openings). Because the average lot depth on Ward's Island homes is approximately 50 feet, the buildings as constructed would appear not to comply with the general 20 foot front yard and 25 foot rear yard setback requirements.

Accordingly, should the lands on Ward's Island be rezoned pursuant to the City of Toronto's Official Plan amendment and by-law, the homes would probably still not be capable of compliance with the designation and the issuance of building permits may still not be possible.

Building Permits

The Buildings and Inspections Department of the City of Toronto is responsible for the issuance of building permits for repair, alterations, replacement of plumbing and heating and any structural changes. Structural changes would have to comply with the provisions of the Ontario Building Code and with the provisions of the City of Toronto Housing By-law.

Since 1970, that Department has maintained a computerized record of permits issued. A list of activity on Toronto Islands from 1970 to May 22, 1980 was filed with the Commission and, of the 36 applications, seven relate to repairs done by the Parks Department or the yacht clubs. The balance of 29 was for residential properties.

Under The Building Code Act, 1974 (Ontario), persons are not permitted to perform any work involving structural changes or material alterations prior to receiving a building permit.

In his second appearance before this Commission, following the inspection done by his Department, Mr. Cook gave evidence that building permits could not be issued for work done in the residential area of Ward's or Algonquin Island because of lack of compliance with the zoning which is currently "G" (Parkland). He indicated that the only recourse would be to apply to

the Committee of Adjustments for approval, but no resident had done so to his knowledge.

Despite the fact that building permits had not been obtained, Mr. Cook observed that at the time of inspection, several residences were being altered and many showed evidence of recent work.

Christopher Barry, the Island resident whose house burned down in 1979, testified that he managed to obtain a building permit from the City of Toronto within four weeks.

Ontario Building Code

The Building Code Act, 1974 of Ontario and the regulations thereunder apply to all new construction and any construction to existing structures. The word "construct" is defined in the statute as meaning "to do anything in the erection, installation, or extension or material alteration or repair of a building....". As George Cook, Deputy Commissioner of the City of Toronto Buildings and Inspections Department described, the Ontario Building Code is applicable where work undertaken on existing structures is material in nature. His interpretation is that any work which would interfere with the bearing portions of a structure would fall within the Code. He gave examples: a completely renewed foundation; removal of a bearing wall within a building; an addition to a building; and removal of a porch on the outside and replacement thereof.

Under the Act, no construction or demolition of a building may take place without a permit issued by the "chief official". Should work be done without the issuance of a permit, the inspector may issue an order to comply or, if necessary, an order to cease construction. In addition, it is an offence to fail to comply with any order or direction under the Act or to contravene any provision of the Act. A successful prosecution could lead to a fine or imprisonment or both.

Mr. Cook observed during the inspections that four properties on Algonquin Island and seven on Ward's were the subject of work without building permits and were, accordingly, in contravention of The Building Code Act, 1974. In some cases, where improvements had been made, there was contravention simply by reason of failure to obtain a building permit: in other cases, because the nature of the construction itself was not in compliance with the Building Code.

The 1980 inspections did not document violations of the Building Code, but dealt only with infractions under the City of Toronto's Housing By-law.

Transportation of Building Materials

The transportation of building materials for use on Toronto Island residences has been a compound problem. To begin with, there is the simple problem of physically getting the materials to the offshore site. The complication has arisen because the easiest mode of shipping - the ferry service - is operated by Metro Parks, a Department of that government which has a mandate to develop the entire Islands complex as a park.

Building materials are most conveniently delivered to the Islands upon the actual vehicle which is boarded on the ferry. Vehicle permits are issued at the head office of Metro Parks to utility companies, oil suppliers, dairies, Eaton's and other firms to service Island residences and to individual residents for food, fuel and emergency repairs.

Regulations relating to vehicle permits, published by Metro Parks, were filed with the Commission. Those regulations provide that "materials to carry out essential repairs are permitted provided that the approved tenant certifies that the repairs are of an emergent nature and waives any right of action by reason of the permission granted". Vehicle permits are not issued "to take building materials to Toronto Island to initiate new construction".

Metro Parks has a supply of freight carts, popularly referred to as "orange carts" available for rental at the mainland ferry terminal at a price of \$1.00. The Metro Parks regulations stipulate that no materials prohibited for transport by vehicle permit are allowed to be placed in orange carts. Additional prohibitions in the case of these carts relate to "dirty, oily or messy articles which will render the cart unfit for the transportation of food"; "rough, heavy or sharp objects which will tend to damage the cart's paint or wheels"; "furniture and appliances of a size, shape or weight that damage the carts"; "fuels and combustible materials"; and "building materials of size, shape, or weight that would damage the carts". The official in charge of the mainland terminal has the sole discretion to refuse rental of carts if he feels the intended use of the carts would cause them damage.

The regulations and their application have for some time been a sore point between Metro and the Islanders. The residents claimed that there was uncertainty about the regulations and to whom they applied. Correspondence and meetings were generated and lasted over a great period of time. There is no indication that a satisfactory result for all concerned was achieved.

In some cases, the residents have made individual arrangements for transportation of building materials. In the case of Christopher Barry, whose Island residence was destroyed by fire, a private water taxi service was employed to carry construction materials.

An organization known as "Waral" (Ward's - Algonquin) was created in Spring, 1976 to allow bulk purchasing of building materials with a view to obtaining a better price for the residents. It also served to enhance the possibility of delivery as the higher quantities justified the resources necessary to effect a delivery to the Islands. Waral would accept orders from the residents, place them with the supplier, and apply for the vehicle permit. The organization was required to satisfy Metro Parks that the orders were on behalf of "legal tenants" (persons on a special list kept by Metro) and that the supplies were for repairs necessary to meet health and safety requirements.

Nine of 10 orders placed by Waral were actually transported on the ferry service, according to Dale Perkins, Island resident. He said that the tenth order (valued at \$2,000.) had to be conveyed by private boats, truck permits having been denied. In all, some \$19,600. worth of building materials arranged through Waral arrived at the Islands aboard the ferry service. Waral obtained its last vehicle permit in July, 1978.

Combustibility and Conflagration

The question of the risk of fire to Island homes arose first during the testimony of Bernard Bonser, Fire Chief of the City of Toronto. He indicated that the fire station was moved to Ward's and has remained there because people reside in the buildings on Ward's and Algonquin and his prime concern is one of life safety. While he said that one factor relating to the need for early response is that Island homes are of a frame construction, he said many other homes in the City of Toronto are also of the same type of construction.

Firefighters do pre-fire planning on the Islands because of their concern for the fire spreading risk and the need for quick containment to the building of origin; and because they have only one piece of firefighting apparatus and one crew to respond. On the mainland, normal response is two pumpers and an aerial crew, providing three crews. Chief Bonser did not feel that the proximity of homes on Ward's was a major factor in containing a fire. He did not distinguish between houses on Ward's and Algonquin.

The Chief furnished fire statistics for the residential areas on the Islands for the years 1974 to 1980, the details of which can be found in the Chapter entitled "Protective Services" in this Report. For present purposes, reference is made to a particular fire which occurred on October 13, 1974 at 9 Second Street on Ward's Island. The cause of the

fire is shown as "oil burner" and the damage estimated at \$10,600. Four neighbouring houses (7 and 11 Second Street and 8 and 10 First Street) are listed as having suffered "exposure fires" on the same day, with a total estimated damage of \$7,535. This example appears, fortunately, to be the only case of residential conflagration for the six-year period examined.

It was indicated by Chief Bonser that there was a "voluntary" home inspection programme, but that he was not sure how frequently or when it was last done on the Islands. He suggested that the single-family dwellings would be inspected internally by one of the housing standards inspectors.

From the evidence of George Cook, Deputy Commissioner of the Buildings and Inspections Department of the City, this Commission learned that the last interior inspection of a general nature was performed in 1973. Fire and fire spreading was identified as a hazard in 1973 because of the type of construction and the relative proximity of the homes, by Mr. J.J. Bradford, Director of Housing Standards for the City.

Following the 1980 inspections, performed at the request of this Commission, Mr. Cook enumerated a host of factors in this area. The type of construction and the layout of the residences were reiterated by him as being matters of concern. His evidence identifies other

conditions relating to fire risk, including: combustibile walls and ceilings; combustibile materials and underbrush adjacent to the homes; oil fuel tanks alongside the buildings; and open-flame heating systems. Mr. Cook answered in the affirmative when asked whether these conditions, relating to fire safety, were unacceptable.

For the short term, Mr. Cook recommended the installation of smoke detectors, the removal of combustibile materials next to the homes, and the covering of oil fuel tanks. His long-term recommendations were the replacement of combustibile interior finishes, installation of below-floor heating and a replanning of the area to allow adequate spacing. A reading of Mr. Cook's evidence indicates that his concerns about the situation on Ward's were greater than in the case of Algonquin Island.

Having received what I saw as disparate pictures on the fire safety question from Chief Bonser on the one hand, and Mr. Cook on the other, I requested Commission Counsel to call further evidence on the subject. She arranged an inspection and testimony by Provincial fire officials.

John Hess, Supervisor of the Fire Protection Unit of the Ontario Fire Marshal's Office, conducted an external inspection of the residences on Ward's and Algonquin on October 21 and 22, 1980 and spoke with staff at the Island Fire Station. Both he and John Bateman, Ontario Fire Marshal, were given transcripts of the evidence of George Cook and Fire Chief Bonser.

Mr. Hess testified that the spacing of dwellings on Algonquin was not a major concern. Regarding Ward's he reported that spacing was "certainly close enough to facilitate the spread of fire from one building to another". In his view, the conflagration risk was great on Ward's Island "due to the limited spatial separation between sides and the rear of dwellings, and the lack of prompt back-up response of fire personnel and equipment should the first response units be unable to contain the fire to the building of origin".

The Ontario Fire Marshal, John Bateman, also voiced a "special risk of conflagration on Ward's Island". He recommended a clean-up of combustible vegetation and debris between houses, the installation of smoke detectors to ensure early alarm of fire, and the actual relocation of certain residences to minimize the spread of fire.

On October 28, 1980, Sarah Miller, Island resident, in answer to a question posed by Islanders' lawyer Peter Atkinson, said that she had observed some activity with respect to removing materials from around Island houses.

In the matter of smoke detectors, Island resident Peter Cridland and three others conducted a survey of the Island homes. That survey also looked into the existence of fire extinguishers. Of the 163 homes surveyed, 63 (39 per cent) had both smoke detectors and fire extinguishers. Twenty houses (12 per cent) were equipped with smoke detectors only and 39 (24 per cent) had fire extinguishers only.

Sewage Disposal

Dr. George Moss, Medical Officer of Health for the City of Toronto, has described the disposal systems for individual residential premises as ranging from "conventional septic tanks and short sub-service tile fields as found on Algonquin to very primitive "pail-a-day" systems" on Ward's.

In a letter to Dennis Barker, Chief Planner and Executive Director of the City's Planning Board, dated August 1, 1973, he wrote of the Public Health Department's increasing concern over the years of the sewage disposal systems in the residential areas on the Toronto Islands. He added that this situation was brought to a head by the exceedingly high water level of Lake Ontario in the Spring of that year.

The Public Health Department carried out dye tests on the Islands in the Spring and Summer of 1973 and found seepage and ponding. He expressed a concern about the spread of disease resulting from faulty disposal systems.

Referring again to Dr. Moss's letter to Mr. Barker, dated August 1, 1973, he wrote that he was firmly of the opinion that "the time has come for the installation of a community municipal sewage disposal system" and "Toronto Islands can no longer accept the disposal of sewage effluent through ground dispersal systems. Accordingly, I do not intend to approve any further ground disposal systems".

Some five years later, Dr. Moss was asked to furnish an updated report. By letter addressed to then Mayor-elect John Sewell, dated November 28, 1978, he expressed the view that the residential systems would not suffice to meet the needs of the community on a long-term basis. He adds: "Events of 1972 and 1973, which saw a lengthy rise in the lake level clearly demonstrate that these individual systems, which over the years have been allowed to deteriorate, are clearly inadequate". He repeated his 1973 recommendation that the community be provided with a municipally-operated sewage system.

When Dr. Moss testified before this Commission, he agreed that his one major concern regarding the Island residential community is sewage disposal.

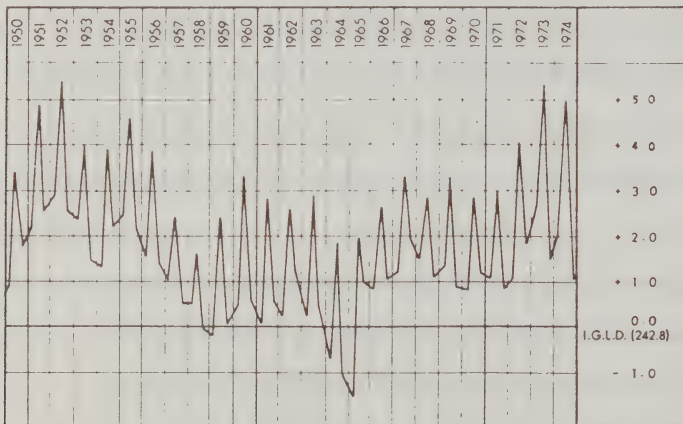
It bears repeating here that George Cook, Deputy Commissioner of Buildings and Inspections for the City of Toronto, described current sanitary conditions as "intolerable".

Douglas Doherty, Deputy Commissioner of Public Works for the City, in his testimony stated that, if the community were to remain, the installation of a sewer system was "a necessary expenditure".

Flooding

This Commission heard evidence from a number of individuals about flooding which took place in the years 1952 and 1973 on the Toronto Islands. High lake levels caused the flooding, considering the elevation of certain portions of the Toronto Islands.

A yearly record of high and low daily mean levels of Lake Ontario from 1854 to the present time, prepared for the Toronto Harbour Commissioners, shows that in 1952 and in 1973, lake levels were highest. These high levels are illustrated in the following graph dealing with level changes of Lake Ontario from 1950 to 1974, appearing in one of the Commission's exhibits and having its source in the Central Waterfront Planning Committee's "Information Base, Water, 1976":



Photographs taken in 1952 and 1973 and produced by Metro Parks reveal extensive ponding in the residential areas. Residents of the Islands testified that flooding was not a serious problem in 1973.

In a report, the City Medical Officer of Health, in 1973, expressed a definite concern about sewage disposal because of the "exceedingly high water level of the lake". In fact, Dr. George Moss was determined not to approve any further ground disposal systems on the Toronto Islands. His position was repeated in 1978 in a letter to Mayor-elect John Sewell.

The Metropolitan Parks Department raised lands by approximately three feet in the park areas during the 1950's and 1960's. In 1973, short-term protection of the north shore of Ward's Island immediately adjacent to Channel Avenue was accomplished by Metro Parks to preserve a property located at 2 Channel Avenue. As well, the Department entered into discussions with the Toronto Harbour Commissioners to divert fill material being dredged for the project known as Aquatic Park. According to Ian Brown, General Manager of the Toronto Harbour Commissioners, some 100,000 cubic yards of material were placed at the south shore of Ward's Island to stabilize the beach and afford some protection against the southerly storm action.

The Metropolitan Toronto and Region Conservation Authority, which is normally responsible for filing maps and outlining all flood prone areas that should be controlled, has not filed a schedule with respect to the Toronto Islands. Not having done so, the Authority has not mapped out the area to determine what physical hazards may occur due to flooding. If the Authority were regulating

the area, they would determine flood prone areas and ensure that suitable precautionary measures occurred before development.

Michael Garrett, Administrator of the Water Resources Division of MTRCA, testified that 255 feet I.G.L.D. (International Great Lakes Datum) is the current criterion for defining the regulation line. Any lands that are of lower elevation could not be the subject of development without permission of the Authority. However, he added that the Authority is currently in the process of filing a new set of schedules because a Federal-Provincial study recently developed figures on what the hundred-year lake level and the hundred-year wave uprush are, based upon a statistical analysis not before available to the Authority. The new level is 76.2 meters or 250 feet, representing the one-in-one-hundred year flood level. He said that that would apply to areas where there are protected waters such as the inside of Toronto Harbour. On exposed shorelines, there is a need to allow for wave uprush because that can cause flooding as well. For that, a level of 77.1 meters or about 253 feet is indicated. Mr. Garrett stated that the 1973 lake level reached 248.8 feet.

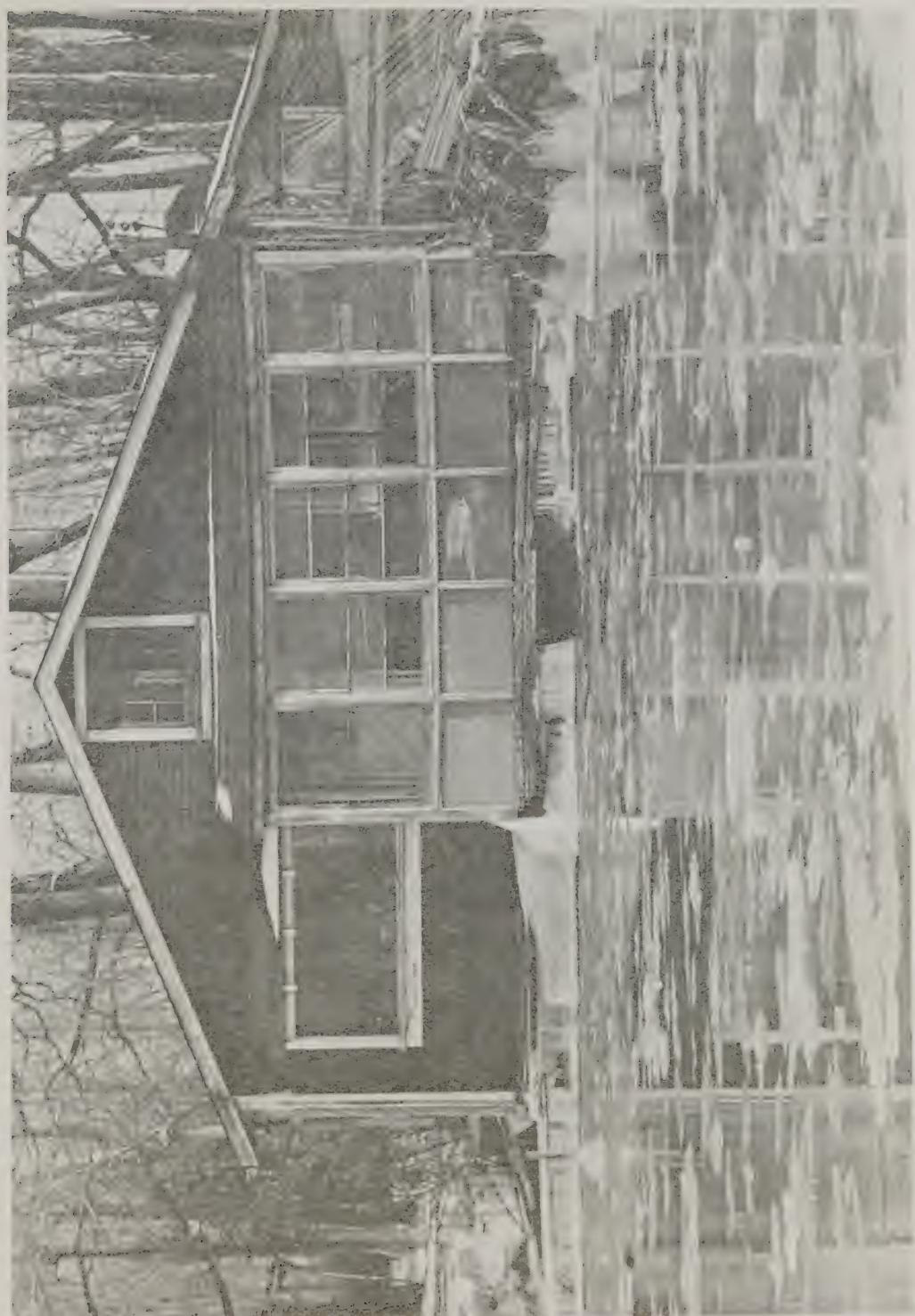
In the opinion of Mr. Garrett, the problems of flooding of the homes on the Islands could be "very easily fixed" by raising them.

A report entitled "Environmental Resources of the Toronto Central Waterfront", prepared for the Central Waterfront Planning Committee and the City of Toronto Planning Board (1976), outlines flood prone areas on the Toronto Islands which include most of both the Ward's Island area and Algonquin Island. Recommendations in that document dealing with flood prone areas are that permanent habitation should be avoided; structures meant for human occupancy should be protected by placing floor elevation above expected flood levels of 249 feet above sea level; all structures should be securely fixed with proper foundations; and septic tanks should be prohibited due to seasonal high water tables and to the potential pollution hazard. The recommendation relating to septic tanks is based upon the information from the City of Toronto Medical Officer of Health that high water levels in 1973, compounded by strong onshore winds, caused some areas of the Islands to be inundated with water and affected the operation of septic tank systems in the parks and residential areas.

Douglas Doherty, Deputy Commissioner of the Public Works Department of the City of Toronto, was of the view that flooding in 1973 was not as serious as that in 1951 and 1952 due to the protection afforded to the Islands by the headlands created at the foot of Leslie Street. He indicated that all housing should be constructed without basements and at an approximate

elevation of 251.5 Geodetic Datum, which would protect against flooding in any living areas. He described the high lake levels as creating only a temporary inconvenience to residents in 1973.

The photograph appearing on the following page was taken by the Globe and Mail on February 9, 1973. Filed as an exhibit by Commission Counsel, it indicates water levels with respect to a particular house, located at 2 Channel Avenue, adjacent to the Bay, on Ward's Island. The premises were eventually torn down.



chapter ten

UTILITIES

1. HYDRO ELECTRIC
2. NATURAL GAS
3. TELEPHONE SERVICE
4. WATER SUPPLY

Hydro Electric***Toronto Hydro***

Representatives of the Toronto Hydro Electric System were called to give evidence before the Commission in order to ascertain the level of services currently provided to the Toronto Island residents and also to determine whether or not the uncertainty of the community affects the provision of adequate services.

Reginald Packard, Manager, Commercial and Residential Services Department, Toronto Hydro, testified that repairs were done on Ward's and Algonquin in May and June of 1979. Maintenance work was required because the hydro poles and equipment had deteriorated due to age. The power supply was adequate. There was, however, a concern about safety. Residents had complained that wires were sparking, trees were rubbing against the wires and residents were receiving shocks from water faucets. The amount expended on Ward's to correct the faults was \$20,652.85 and on Algonquin Island it was \$6,801.71.

While doing the remedial repairs on Ward's Island, Toronto Hydro staff observed from an external inspection that the service entrance equipment to 52 homes was in need of repair. (No attempt was made to conduct an internal inspection of wiring.) For the purpose of alerting the residents, cards were left for them so they might telephone or write to Toronto Hydro.

Also, a letter was written to the Toronto Island Residents' Association indicating that repairs were needed to these homes, and suggesting that the residents have internal inspections done by Ontario Hydro. Mr. Packard followed this up and found that no residents had made requests for internal inspections. On July 31, 1979, he wrote to Elizabeth Amer of the Toronto Island Residents' Association providing her with a list of the addresses that he considered required repairs. Nothing came from that. Finally, he wrote individual letters to the 52 households involved. There were three telephone calls received in response to those letters. Mr. Packard was advised by Ontario Hydro that no-one had contacted that organization to arrange inspections. These matters were of concern to Toronto Hydro from a fire safety point of view.

Michael Nixon, Commissioner and Chief Building Official, Buildings and Inspections Department, City of Toronto, confirmed by letter to this Commission that during the recent inspections by his Department, many electrical defects which were violations of Housing By-law 73-68 were noted in their report and cost estimates for repair were included. However, there were other obvious electrical defects which require the expertise of an inspector of Ontario Hydro, and in

these cases referrals were to be made, advising Ontario Hydro of the addresses where such defects exist. Mr. Nixon gave his assurance that all electrical defects are recognized as being of a serious nature and would be listed with the mandatory health and safety items in the letters that were being prepared to direct the immediate attention of the occupants to matters of concern.

In terms of any future maintenance work which is required for Toronto Hydro equipment, the Commission has been assured that Toronto Hydro will do whatever is necessary from a safety point of view without regard to the length of time the residents may be remaining on the Toronto Islands.

If the community were expanded to include some 250 additional homes, and those homes were to be electrically heated, Toronto Hydro would be required to make a significant capital expenditure for the necessary additional supply of power.

Street lighting is also the concern of Toronto Hydro. The condition of street lighting on the Islands in residential areas is inadequate, according to Bernard Brenner, Manager of Distribution, Planning and Design, Toronto Hydro. Normally, the fixtures would be replaced with a type similar to those used on all City of Toronto

streets. The Island residents have, however, requested that such work not be done. They would prefer that the old-fashioned luminaires be repaired. This has not been done as the work required would be exceedingly expensive.

From the evidence, it appears that, apart from the street lighting, the equipment and hydro service supplied by Toronto Hydro is sufficient for the existing Toronto Islands residences.

Natural Gas**Consumers' Gas**

The Consumers' Gas Company currently supplies natural gas on the Toronto Islands to some 134 residences and to 14 non-residential customers. Residential gas users are located both on Ward's and Algonquin. The non-residential users are the Toronto Island Airport (four locations); Dalmar Foods Limited (four locations); Royal Canadian Yacht Club (three locations); Queen City Yacht Club; St. Andrew-by-the-Lake Church; and Metro Parks (Ward's Island washroom).

There have been numerous supply problems in recent years relating to pressure and internal water. The gas distribution system on the Toronto Islands was originally built specifically to look after residential family dwellings in the summer for such purposes as water heating and cooking. Over the years, central heating systems have been added, thereby diminishing the capacity of the distribution system which is of an older type (cast iron). Ground water was finding its way into the lines and also freezing some of the meters.

Maintenance work was done and the distribution system tightened up. The problems have now been corrected according to Roy Onyschuk, General Manager, Metropolitan Toronto Region, Consumers' Gas Company. He testified that, under existing conditions, the gas supply to the 134 residences is adequate.

With the present system, not only could the Company not supply an expanded community: it could not even supply the full existing community. In fact, the saturation point has been reached. The Company has had to refuse requests for conversion of residences to natural gas heating.

Mr. Onyschuk stated that the Toronto Island Residents' Association was told by the Company that there could be no expansion of services unless a feasibility study was undertaken and it showed economic viability. There were some preliminary studies done in or about 1978 indicating that it would cost something in the order of \$70,000. to upgrade the services to provide natural gas to all 250 residences. Inflation would produce a higher estimate today.

Only one "feed" (across the Western Gap) exists to the Toronto Islands. In order to deliver an increased gas supply for either the residential or non-residential customers, the system would have to be rebuilt.

From Mr. Onyschuk's evidence, I got the sense that his Company does not relate the possibility of renewing their entire system to any minimum period of tenure, but rather to financial considerations in the broad sense. Certainly, a determination of economic feasibility would take into account the expected length

that any continued or expanded community would remain on the Islands.

In conducting a feasibility analysis, the Consumers' Gas Company would survey potential customers and their contemplated loads. On the basis of the calculation of projected gas volumes, the cost of gas and other factors, the Company would look at the economics of it all and make its decision.

If the Company did not find economic viability, Mr. Onyschuk confirmed that it is possible for customers to make a capital contribution so that the project becomes feasible from a monetary point of view for the Company. Precedents exist for that. He was not aware of a situation where a municipality offered to pay part of the capital expenditures, but gave an example of the Toronto Board of Education having participated in such a manner.

I asked Mr. Onyschuk about the procedure and responsibility for payment of the costs of connecting any new service. He said that the Company pays for and brings the gas line right up to and into the residence.

To the best of his knowledge, the Company has never abandoned an area on the basis that it was no longer financially viable to continue the service. Accordingly, all other things being equal, Mr. Onyschuk thought that the Company would supply natural gas to the Islands whether or not the residential community were to remain.

Telephone Service

Bell

Bell Canada provides service to residents of the Toronto Islands either through two-party services (for some 141 homes) or by private lines (75 homes).

In July, 1979, the Toronto Island Residents' Association contacted Bell Canada to see if there were any plans to upgrade the residential service. These inquiries related to outside plant connections, lack of private line availability and slow repair service. Initially, Bell Canada indicated that they were not prepared to do a full scale modernization programme as it would involve an expenditure of \$150,000. to \$200,000. at that time. However, the Company decided that it would upgrade its current service.

Maintenance work has now been completed on Algonquin Island and, once the question of an easement on Ward's Island is obtained from Metro, work will be completed there. This will result in the provision of some 75 additional private lines. At this time, there are no outstanding requests for improved service, according to the evidence of Elizabeth Myers, District Manager, Midtown South Region, Customer Service Department of Bell Canada.

A full scale modernization programme would require a study of the costs involved. To justify replacement of the telephone system for the community at its current

size would probably require a tenure period of approximately ten years.

Once the question of an easement is resolved with respect to Ward's Island and the maintenance work is completed there, it would appear the services provided by Bell Canada will be adequate for the community at its present size.

Water Supply

In 1953, the Municipality of Metropolitan Toronto took over responsibility for the water supply and sewage treatment of the various area municipalities. Metropolitan Toronto is essentially a wholesaler of water sold to the City of Toronto directly at a rate standard for each municipality.

Originally, the only source of water for the Toronto area was from the Filtration Plant located on the Toronto Islands. The Island Filtration Plant is located on Centre Island and occupies slightly better than 60 acres, 11 of which are fenced in for safety purposes.

Today, there are four plants located on the mainland, with the Island Filtration Plant used generally during peak periods of the summer months. During the rest of the year, the Island community receives its water from a plant on the mainland located at John Street.

From the Island Filtration Plant, one of two pipes services the residential community. Actual water distribution is within the jurisdiction of the City of Toronto.

Water is distributed to Island users through a 300 mm. cast iron watermain extending from the Filtration Plant to Ward's Island and Hanlan's Point. This watermain connects into a network of watermains on Ward's and Algonquin Islands which vary in diameter from 200 mm. to 50 mm.

Douglas Doherty, Deputy Commissioner of Public Works, City of Toronto, indicated that a substantial number of the watermains on Ward's Island are considered to be a temporary or seasonal type of installation and not designed for year-round operation. They were installed with insufficient ground cover to avoid frost damage during winter months. To prevent freezing of the watermains, fire hydrants are left running.

In Mr. Doherty's view, the supply of water available to the Islands is adequate to accommodate a residential community of the current size, but those watermains on Ward's Island susceptible to frost damage should be replaced by a permanent system should the community remain. This would involve installing mains at a depth that would prevent problems with freezing and increasing the diameter of the mains to provide an adequate level of protection. On Algonquin Island, the depth is sufficient.

Estimates provided by the City of Toronto Public Works Department involve a capital cost of \$222,000. to improve the system on Ward's Island for a community of the current size. The cost to improve the system at Ward's Island and extend the system for an "expanded community" would be approximately \$438,000., according to Mr. Doherty. These estimates do not include service

connection costs which are approximately \$600. for each housing unit and would be the responsibility of the individual.

The present annual operating cost of the water system is \$36,313. which is billed by Metro to the City of Toronto.

chapter eleven

PUBLIC WORKS

1. REFUSE COLLECTION
2. ROADS AND SIDEWALKS
3. STREET LIGHTING
4. STORM SEWERS
5. SANITARY SEWERS

Refuse Collection

Refuse from both the park and residential areas of the Toronto Islands is collected by the Metro Parks Department. Garbage is picked up from the community twice each week, with a special collection for large items such as old furniture and appliances once each month. Due to access constraints on Ward's and Algonquin, smaller vehicles pick up garbage and transfer it to a compactor. It is then transferred to bulk-lift containers at the Metro Works yard on Centre Island. These containers are transported by private contractor to the mainland for disposal.

A letter from the Streets' Commissioner of the City of Toronto dated August 21, 1973 in the "Toronto's Island Park Neighbourhoods" Report indicates that refuse collection for the community should probably be increased to weekly pick-up of large items to equate with mainland standards. However, neither Douglas Doherty nor Anthony Pellegrino of the City Public Works Department mentioned this in their testimony.

Metropolitan Toronto bills the City of Toronto annually for the refuse collection. Costs in 1980 were \$84,200. In the opinion of Mr. Doherty, garbage collection for an expanded community could be accommodated in the same manner. He estimated that that would entail an increase in operating costs to the City of Toronto of \$85,000.

Roads and Sidewalks

The residential areas of Ward's and Algonquin are serviced by approximately 1,900 metres of "walks". Walks on Ward's are approximately 1.2 metres wide and on Algonquin Island the widths are approximately 3.7 metres.

Anthony Pellegrino, of the City's Public Works Department gave his view that the sidewalks on Ward's are too narrow for emergency vehicular access and in need of total reconstruction.

Mr. Doherty stated that if underground services were to be installed, the walks could be replaced thereafter, and that any of the walks in good condition and not disturbed by the work would be salvaged. In this regard, he proposed that the Ward's Island walks be widened to 3.5 metres. He estimated the capital cost to improve the road system for the existing community to be \$460,000. For an expanded community, he estimated that 1,150 metres of additional walks would be required. According to him, this would involve only an estimated further \$90,000.

At the present time, the Metropolitan Toronto Parks Department is responsible for the maintenance of these facilities and there is no present operating cost to the City. However, should the City assume responsibility for the residential areas, there would be an annual operating cost (including winter maintenance) of

\$9,000. and, for an expanded community, \$15,000.

Should the sewer system be installed in the residential areas, the cost of the road system would be a necessary expense, as roads and walks would be destroyed by such construction. In any event, it appears that the road system on Ward's Island is inadequate for emergency vehicle access and should be replaced whether or not a sewer system is installed, so long as the community remains.

Street Lighting

At the present time, street lighting on Ward's and Algonquin Islands consists of incandescent fixtures on wooden or concrete poles. There is conflicting testimony on the condition of the street lighting and the need for improvements. Douglas Doherty of the City of Toronto Public Works Department indicated that there is no need to improve the existing system and that he did not propose such in his estimates. However, as mentioned, Bernard Brenner of Toronto Hydro was of the view that the street lights are in poor condition, and do not provide adequate lighting by to-day's standards.

The present annual operating costs to the City of Toronto for power and repairs of the street lighting is \$2,660.

Should there be an expanded residential area, Mr. Doherty is of the view that a new lighting system would be installed using high pressure sodium luminaires and concrete poles, which would involve an estimated capital cost of \$11,500. and an increase in operating costs to the City of Toronto of \$2,340. In his estimates, he makes the assumption that the cost of poles will be paid by Toronto Hydro which he sees as responsible for installing the pole system and related overhead wiring to supply power to new housing units.

Storm Sewers

The Toronto Islands have no storm sewers.

Because of the elevation of the Islands in relation to the water level of Lake Ontario, it is impracticable to have a buried pipe system to accommodate storm run-off. At the present time, storm run-off is discharged directly by overland flow into the lake. According to Douglas Doherty, there is no alternative proposed.

As he described it, the Islands were flooded in 1951 and 1952 and again in 1973 due to high lake levels. Should high lake levels be repeated, there would be surface flooding which would cause inconvenience to residents. Consequently, it is his suggestion that all housing should be constructed without basements and at an approximate level of 251.5 Geodetic Datum which would prevent flooding in the living areas.

Sanitary Sewers

High water levels experienced by the Toronto Islands in 1973 adversely affected the operation of the residential septic systems. A potential health hazard resulted and the adequacy of the existing system was brought into question. Responding to this situation, the Medical Officer of Health for the City of Toronto expressed concern about the possible spread of disease to the Islands community and to the general public. He stated that he would not approve any additional septic tank systems on the Toronto Islands.

The opinion of the City's Medical Officer of Health was incorporated into a report of Metro's Parks and Recreation Committee which report was adopted by Metro Council on May 1, 1973. The resulting recommendations were that the Toronto Islands have their own sewage disposal system, preferably linked to the mainland and that disposal of sewage through the ground should be eliminated. Metro Council instructed its Parks Commissioner to initiate an inquiry into the possibility of sewage service for the Toronto Islands. The consulting firm of James F. MacLaren Limited was engaged by Metro to make certain studies in that regard.

It was recommended in the MacLaren Report (January, 1974) that a sewage network be constructed to consist of two principal collector systems on the Toronto Islands, with a main pumping station at Hanlan's Point. The first collector system would be the "Centre Island" system which would serve the Centre Island area on a seasonal basis, although it could be utilized year-round. This system would cross parts of Centre Island, Island Park and Mugg's Island and connect with the main pumping station at Hanlan's Point. The second collector system was the "Perimeter" system which would be for year-round use and which would extend from Ward's Island to Hanlan's Point by way of Gibraltar Point. The main pumping station at Hanlan's Point would discharge sewage through a force-main across the airport property, under the Western Gap through an existing utilities tunnel, along Bathurst Street and into the Metro low-level interceptor sewer at Bathurst and Front Streets.

The Central Waterfront Planning Committee engaged the consulting firm of Wallace, McHarg, Roberts and Todd which in 1976 prepared a document entitled "Environmental Resources of the Toronto Central Waterfront". That report contained the following recommendations:

Restrict use of septic tanks
in flood prone and low runoff
areas.

o o o

Septic tanks in flood prone
areas should be prohibited
due to seasonal high water
tables and to the potential
pollution hazard.

According to the testimony of Christopher Roberts,
Deputy Commissioner of Metro Parks, Metro commenced
construction of the sewer system in the Summer of 1977.
The system was operational by the following Summer,
although some construction continued until about June
of 1979. The system was built as proposed in the
MacLaren Report, except that the "Perimeter" sewage
collector system was built only as far east as Chippewa
Avenue. It was not extended to service the residential
communities at Ward's and Algonquin because of the
uncertainty of whether these areas were to remain
residential or become parkland. The future use is
significant because the size of the pipes required to
service these areas would differ depending on whether
the land was used for homes or parkland.

Mr. Roberts gave evidence that the cost of installing
the sewer system as of September 30, 1980, was slightly in
excess of \$2,750,000. and that it has operated effectively
since its opening.

The City of Toronto also retained James F. MacLaren Limited, to study various methods of providing a sewer system for the Toronto Islands residential areas. The recommended approaches were to connect the residential areas with the existing Islands sewage system, if possible, or to pump sewage from the residences to the mainland under the Western Gap, exclusive of the Parks sewage system.

Estimates emanating from the City of Toronto over the years of the cost of constructing a sewage system to service the existing community and an expanded community (as proposed by the City) and of the cost of connecting each residence to this system are contained in the following table:

YEAR	ESTIMATED COSTS OF SEWAGE SYSTEM		INDIVIDUAL CONNECTION COST
	EXISTING COMMUNITY	EXPANDED COMMUNITY	
1973	\$1,040,000.	\$1,410,000.	\$500.
1977	\$1,400,000.	\$1,900,000.	\$500.
1979	\$1,638,000.	\$2,223,000.	\$585.
1980	\$1,100,000.	\$1,554,000.	\$600.

The decrease in estimated costs of the sewage system from 1979 to 1980 is at least puzzling and is something which should be clarified.

Christopher Roberts of Metro Parks testified that if the sewer system were to be extended to the residential areas, it would be done by extending the "Perimeter" sewer line. He expressed the opinion that it would be possible to provide sewage services to the present residences and that the new sewage system has adequate capacity to accommodate the additional flow which would result if the residences were hooked up to the system.

It is estimated by the City of Toronto that if the proposed sewer system were built, it would result in an increased annual operating cost of \$26,700. if the community remained at its present size and \$30,000. if it expanded according to the City's proposal.

Douglas Doherty, Deputy Commissioner of Public Works for the City of Toronto, gave an estimated late 1982 completion date for the installation of a sewage system to serve the residential areas, if all relevant legislation and "whatnot" were in place in the early part of 1981.

chapter twelve

PROTECTIVE SERVICES

1. AMBULANCE SERVICES
2. FIRE PROTECTION
3. MEDICAL SERVICES
4. POLICE PROTECTION

Ambulance Services

An ambulance unit services the Islands in summer months approximately from the May 24th weekend to Labour Day each year. It is operated by the Metropolitan Toronto Ambulance Services Department and although stationed at Centre Island, is available to Island residents in need.

In addition, throughout the year, staff of the Metropolitan Toronto Police Department, the Fire Department and the Toronto Harbour Police, trained in first-aid procedures, are also able to provide cardio-pulmonary resuscitation assistance.

The Metropolitan Toronto Police, Toronto Harbour Police and the Fire Department each have boats available for transportation to the mainland in case of emergency. According to Island resident Bruce Weber, the only means of emergency transportation for residents in the severest winter conditions would be by the Fire Department's boat or by helicopter (although he does not personally know of the use of helicopters on the Island in the past). However, Elizabeth Amer, also an Island resident, testified that she was aware of the availability of a helicopter from the Ontario Provincial Police to transport an Island resident in need from the Island Airport to a hospital on the mainland.

Robert Bundy, Commissioner of the Metropolitan Toronto Parks and Property Department testified that in the event of emergency on the Toronto Islands, there are set procedures for the person in charge of the mainland terminal to order the ferry boats back to the mainland, communicate with the ambulance services and make arrangements to board ambulance personnel for transportation to the Islands. In addition, there are instructions on how to handle other possible disasters. The Toronto Harbour Commissioners also have regulations to return the Maple City Ferry to the mainland for emergency assistance.

Fire Protection



There is one fire station on the Toronto Islands, operated by the City of Toronto Fire Department. Once located on Centre Island, it was moved in 1963 to the area of Ward's Island on Cibola Avenue near the ferry dock.

Bernard Bonser, Fire Chief for the City, testified that the relocation was to provide better protection to the residential community at Ward's Island. The Island Fire Station serves the entire Toronto Islands, including the Toronto Island Airport.

Station staff is composed of a captain and three additional firefighters on duty at all times. The station is manned 24 hours-a-day on a year-round basis. There is no increase in summer months, even though the visitor population swells. Neither is there a decrease in the winter months. In the words of Chief Bonser, the manning is at a constant level because the "occurrence of fires is unpredictable and because of need to have early response with no other means of access to the Island by roadway, we maintain a staff of four at the Island at all times."

The equipment kept on the Island consists of one pumper and one jeep housed in the fire station. They serve as the first response equipment. There is a pre-plan to respond to the homes on Ward's and Algonquin with the pumper and jeep. On Ward's Island, however,

the pumper has only limited access and is brought to Channel Avenue where the jeep picks up access to the specific fire location.

Should second response equipment be necessary, the Toronto fire boat, the "William Lyon McKenzie", responds with staff and equipment from the mainland. Because of the draft of the boat, it has restricted access and may or may not be able to assist. John Hess, Supervisor, Fire Protection Unit, Office of the Ontario Fire Marshal, gave evidence that the response time of the fire boat is a minimum of 30 minutes. He noted its restricted access to homes on Algonquin Island.

Chief Bonser stated that watermain and hydrant pressure checks are constantly conducted on the Islands and that they seem to be adequate for their purposes. When asked whether the water volume was enough to be safe, he replied in the affirmative.

From the evidence of Anthony Pellegrino of the City of Toronto Public Works Department, the Commission learned that the Ward's Island watermains are very shallow. He testified that, in the result, the hydrants must be permitted to leak all winter so that they do not freeze.

In 1979, there were 73 calls for assistance. This included 15 building fires, the remainder being rubbish fires and some requests for resuscitation

assistance. The total fire loss on the Toronto Islands in 1979 was \$230,000., the major loss being \$200,000. in the amusement park. A \$13,525. loss figure was given for the residential area.

At my request, Chief Bonser supplied statistical data relating to fire losses over the past several years in the residential areas of the Islands. These data are summarized below:

YEAR	NUMBER OF FIRES	TOTAL LOSS
1980 (as of October)	3	\$ 770.
1979	7	13,525.
1978	3	390.
1977	3	6,805.
1976	3	26.
1975	0	0
1974	4	18,590.

The cost of fire protection on the Toronto Islands in 1979 was approximately \$500,000.

If the community were expanded by doubling it in keeping with a proposal by the City of Toronto, the Chief indicated that existing manpower and equipment could handle fire protection at no additional cost. If the residential community were removed altogether,

he spoke of the possibility that the location of the fire station would be changed. On the question of costs should the residential community leave, he indicated that an in-depth study would have to be undertaken to determine what the remaining fire protection needs were and where the responsibility should lie for responding to them. In respect of responsibility, he implied that other levels of government might be involved.

The firehall is shown at its present location in the following photograph:



Medical Services

Dr. George Moss, Medical Officer of Health for the City of Toronto gave evidence that his Department is involved in providing a number of services to the Toronto Islands including health education, health promotion, public health inspection and public health nursing. Public health nurses attend regularly at the Toronto Island School and, in addition, visit homes to follow up on the health of expectant mothers and newborn children.

A review of vital statistics done by Dr. Moss's Department in 1973 indicates that there was generally a more favourable level of health on the Islands than in the City as a whole.

It was his information that there is no doctor resident on the Islands and that health care is generally obtained on the mainland. He felt that a community should be at least 2,000 strong to warrant a full-time resident physician. Although Dr. Moss was unaware of this, there has been a physician residing on the Toronto Islands for some years. While his practice is not located on the Islands, he does assist in prescribing treatment for the residents.

Several nurses live on the Islands and assist in treating the sick and aged. Bruce Weber, a nurse who resides on the Toronto Islands, described how the elderly know that they can call upon the Fire or Police Departments in cases of an emergency to get to hospital. There would appear to be an informal network of community assistance for the handicapped and ill. Mr. Weber described examples of handicapped elderly residents receiving help from neighbours. In one particular case, Mr. Weber has an emergency alarm system with a severely handicapped elderly neighbour who can call upon him if there are any serious problems.

Police Protection



The Toronto Islands fall within the jurisdiction of No. 52 Division of the Metropolitan Toronto Police Department. There is some overlap of police jurisdiction with the Toronto Harbour Police which patrols the waterways.

The only police station located on the Islands is a cottage-type structure built in 1969. It is approximately 250 yards east of the Centre Island ferry dock. Equipment on site includes one four-wheel-drive vehicle and three boats.

Police staffing is a 24-hour operation. In low season, there is a strength of nine constables and one sergeant. Generally, there are two constables per shift.

In high season (May 1st to November 1st), staff is increased by an additional 22 personnel (a marine unit comprised of 18 constables and a sergeant, and a mounted unit of three constables). On weekends when large crowds attend, an additional three or five constables are supplied. A high season shift would involve six or seven constables during the day and it may run as high as a dozen some days.

In 1979, there were a total of 43 arrests made on the Toronto Islands, 25 summonses issued and 258 occurrences reported. In 1980, to the date of his testimony (August 27th), Deputy Chief Jack Marks of the Metro-

politan Toronto Police Department gave details of 305 occurrences, which are tabulated as follows:

TYPE OF OCCURRENCE	NUMBER
Accidents other than motor vehicle	35
Personal injury accident	1
Theft under \$200.	34
Theft over \$200.	15
Mischief	10
Break and enter	10
Missing persons	3
Sudden death	1
Assault and robberies	2
Fire	1
Explosive material	1
Common assault	5
Lost property	56
Found property	99
Bicycles lost	2
Bicycles found	9
Bicycles stolen	16
Liquor seized	5
TOTAL	305

In addition to the above, Deputy Marks told the Commission of between 300 and 400 children reported lost, but "...they were found, fortunately..."

In his view, the Toronto Islands have a very low crime rate and generally vandalism is lower than in other parks. He mentioned one of the reasons for this, as he sees it, being the ease with which a suspect can be apprehended at the ferry dock.

Police officers assist in medical emergencies by providing first aid and in transporting persons to the mainland in police boats. When asked about demands for service by Island residents, Deputy Marks advised that in 1980 (then to date) there were 11 medical emergency transportations; 33 calls for assistance regarding break and enter, theft or some type of damage; 30 calls regarding mentally ill persons, disorderlies, disputes and stray dogs; and 16 calls for information.

According to Deputy Marks, there is an excellent relationship between the police and the residents: "...I guess it is because it is sort of like small town policing and everybody gets to know everybody."

It costs between \$35,000. and \$40,000. a year for the Metropolitan Toronto Police Department to provide a police officer (including automobile and

other necessary back-up expenses).

Deputy Marks was unable to say what police services might be diminished or unnecessary should the residential community not be retained. He indicated that a study of needs and demands for service would have to be done before an answer could be given. He cited one factor--whether the ferry service was curtailed, especially during winter months --that would have to be considered.

chapter thirteen

SCHOOLS

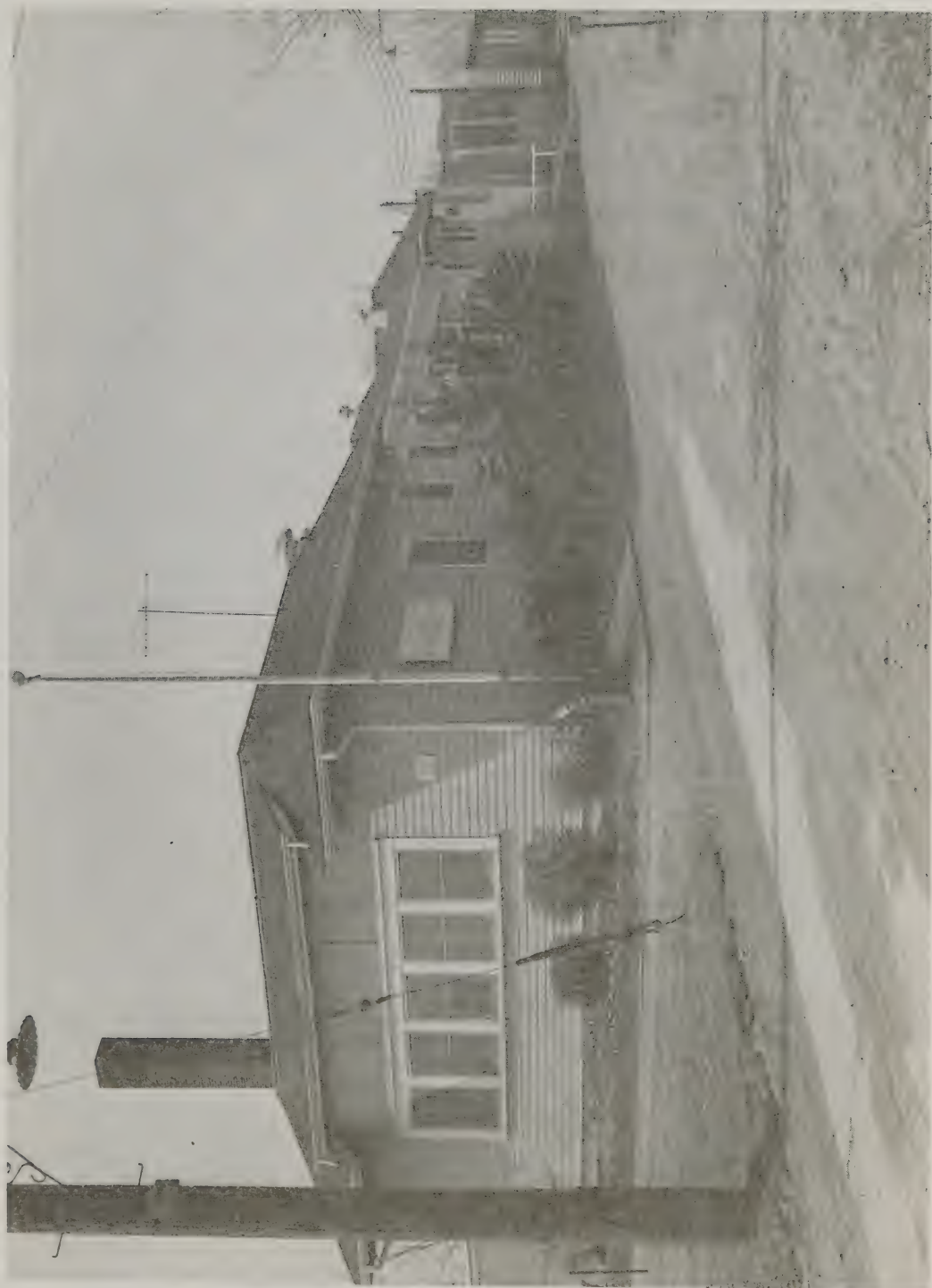
1. TORONTO ISLAND PUBLIC SCHOOL
2. ISLAND OUTDOOR NATURAL SCIENCE SCHOOL
3. MONTESSORI SCHOOL

Toronto Island Public School

Toronto's Board of Education opened a one-room public day school on Hanlan's Point in November, 1888, slightly east of its present site, and shown in the photograph below.



A fire in 1905 destroyed that school and a new one was erected at its present location. From time to time, additions were built to the one-room schoolhouse as enrolment increased. The current school building is shown in the photograph on the next page.



In the 1920's and '30s, the student population reflected the seasonal nature of Island usage. The numbers each year would be high in the spring and early fall, but would decline significantly during the winter months when fewer people lived on the Island. In the 1940's, because of the substantial increase in year-round residents, student numbers began to reach a peak and stayed relatively constant throughout the school year. In the 1940's and '50s, enrolment at the Toronto Island School reached well over 400 students and remained high until the 1960's. According to a history prepared in 1972 by students of the Toronto Island School, in 1954 the highest number of students was reached, with 587 pupils enrolled there.

Dr. Edward McKeown, Acting Director of the Toronto Board of Education, testified before the Commission that as of September, 1980, there were a total of 95 students enrolled in the Toronto Island Public School from Junior Kindergarten through Grade 8. Of the 95, 27 or approximately 30 per cent are from the mainland. Toronto Island School students periodically use facilities at Ryerson Public School and Scadding Court Community Centre for swimming and, depending on their level, physical education, industrial arts, family studies and music.

The maximum capacity of the Toronto Island School is about 150 students, part of it having been converted to suit the purposes of the Island Outdoor Natural Science School.

Island students attend Secondary School on the mainland.

The Toronto Board of Education maintains school bus services on the Island which are operated by the Metropolitan Toronto Parks Department. Approximately \$25,000. each year is billed to the Toronto Board of Education for bus rental, overhead and labour.

Usual Board of Education policy calls for the Director to make a recommendation that a school be closed when enrolment falls below 100. Toronto Island School has been exempted from this policy because it is felt that the programme remains satisfactory and there would not be much cost savings if the school were closed.

It has been the position of the Toronto Board of Education for the last seven or eight years that the Island community should be preserved. On July 31, 1980, the Toronto Board of Education adopted a resolution containing a clause that "the Board is absolutely opposed to the destruction of the Toronto Island Community".

Evidence before this Commission showed that operating costs for the school building in 1979 (caretaking, maintenance and utilities) were \$120,000. Very little of this money would be saved by the closing of the Toronto Island School. The Board would continue to operate the Island Outdoor Natural Science School (on the same premises), even if the day school were closed. Dr. McKeown gave an estimate of a saving of about \$2,500. of the \$120,000. In the event of the day school closure, the transportation of Island children to the mainland would then be a cost factor.

Island Outdoor Natural Science School

The Island Outdoor Natural Science School was established by the Toronto Board of Education in 1960. It is designed to provide a one-week residential experience for mainland school children. This programme operates from the first week after the opening of school in September until the end of July each year. Each Monday during this period, two Grade 6 classes (totalling about 60 to 70 students) from all parts of the City attend for five full days and four nights. Over 3,000 students are involved each year.

This school is used to teach natural sciences, outdoor sports and group living. There is only one other natural science school for the Toronto school system. The Island Outdoor Natural Science School would be continued regardless of the existence of the Toronto Island residential community.

Facilities are shared with the day school. There is some overlap of staff. The principal, secretary and caretaking staff are common to both schools. Each of the schools have separate teaching staffs.

Transportation for the students of the natural science programme to and from the Island is via the Metro Parks ferry service, for almost 11 months each year.

Some of the activities at the programme are depicted in the photograph on the next page.



Montessori School

A Montessori School and Daycare Centre operate as a single programme in the Algonquin Island Association Clubhouse. It occupies a large southside room permanently and the main hall on weekdays from 8:00 a.m. to 6:00 p.m. The main hall, serving as a classroom, is seen in the photograph below.



The programme was established in September, 1975 by a group of Island residents and has since operated throughout the year with the exception of the months of July and August.

Funds for the renovation of the Clubhouse to bring it up to daycare standards were provided by the Ontario Ministry of Community and Social Services, and the

Algonquin Island Association. According to Ray Tomlinson, Metropolitan Toronto's Social Services Commissioner, the Ontario Government is currently subsidizing approximately ten of the children who attend the Montessori Daycare Centre.

Enrolment at the Montessori programme has increased over the years and is currently about 45 children. Just over two-thirds of them live on the Toronto Islands. There are two full-time teachers, two part-time teachers and a number who come in once each week. Parents are also involved in the operation of the school on a daily basis and are expected to volunteer approximately four hours a week. Special Montessori equipment has been provided by parents of students attending the daycare programme as well as through grants by the Ontario Government.

There is presently a waiting list for admission to the daycare programme and school. The fee to attend is based on the number of hours the student spends in the programme and is approximately \$45. per week for full daycare (8:30 a.m. to 5:00 p.m.).

The school and daycare operation runs a normal academic year - September to June - and overlaps about one month at each end during which the use of the Club-house is shared with the Westwood Sailing Club.

No rent is paid by the school. It does, however, pay a share of the costs of the utilities.

LEASES, LITIGATION AND LEGAL STATUS

1. LEASES
2. TERMS AND CONDITIONS
3. ASSIGNMENTS AND APPROVALS
4. EXTENSIONS
5. TERMINATION
6. NOTICES OF TERMINATION
7. WRITS OF POSSESSION
8. PAYMENT OF REALTY TAXES
9. PAYMENT OF "RENT"

Leases

There have been four major residential areas on the Toronto Islands over the years: Hanlan's Point, Centre Island, Ward's Island and Algonquin Island. The residential leases have varied from one area to another and, to an extent, these differences have a bearing on the present situation.

A number of sample leases and related documents were provided to this Commission by Robert Bundy, Commissioner, Parks and Property Department, and by James Peat, Director of Financial Services and Deputy Treasurer, both of Metropolitan Toronto. Samples were furnished embracing each of the four areas mentioned and there is no reason to believe that they were not typical.

Terms and Conditions

The sample lease pertaining to property on Hanlan's Point is dated October 31, 1953. It covered a period of 17 years, 3 months, with a termination date of December 31, 1968. Its predecessor, dated September 30, 1930, was for 21 years. The lessor in both cases was the City of Toronto. The rent payable under the 1953 lease was \$100. per year. In addition to rent, the tenant was obligated to pay taxes on the property. The lease also required that any building constructed after the signing of the lease be constructed of new materials and be worth at least \$3,000.

With respect to Centre Island, the sample lease reveals that the property was leased in 1918 for a period of 21 years and was renewed in 1938 for a further period of 21 years. The City of Toronto was the lessor in both of these leases. Under the 1938 lease, the tenant was required to pay a yearly rental of \$206.25 (computed at the rate of \$1.65 for each foot of frontage) and the realty taxes. The lease also contained building requirements to the effect that any dwelling erected after the date of the lease had to be worth at least \$3,000. and could not be built within 65 feet of the street line.

Early leases entered into between the City of Toronto and residents of Ward's Island created yearly tenancies at annual rental rates of between \$50. and \$60. The sample Ward's Island lease provided to the Commission

is dated October 13, 1938. It established a yearly tenancy at a rental rate of \$60. per year. There was no obligation in this lease that the resident pay taxes. According to the testimony of Robert Bundy, Metro realized after assuming the residential leases that it was in a deficit position regarding Ward's Island, because the rent which Metro received was less than the property taxes which it had to pay. The Ward's Island leases were renegotiated in 1957 and the tenants were required to pay taxes in addition to the yearly rental. Based on the sample lease, it appears that the annual rent was not increased at that time. Unlike the three other residential areas, there was no provision in the Ward's Island sample setting a minimum value for buildings.

Sample leases between the City of Toronto and Algonquin Island residents were for a period of 21 years running from 1938. The annual rental rate was \$75. and the tenants were also required to pay property taxes. These leases stipulated that, within one year, the tenant had either to build a new cottage or move in an existing cottage from Hanlan's Point. It was also necessary that the cottage be placed in the centre of the lot and be worth at least \$1,500.

Assignments and Approvals

None of the leases in any of the four residential areas permitted unlimited assignment or subletting. Generally, they allowed assigning or subletting only with the consent of the lessor, either the City or Metro.

Metro restricted the right to assign or sublet even further in some of its leases of property on Ward's and Algonquin.

For example, a Ward's Island lease of November 12, 1957, prohibited the tenant from subletting more than twice within five years. A lease extension in 1970 included a complete prohibition against any assignment or sublease after August 31, 1970. The next lease extension, in 1971, relaxed the restriction by allowing assignment or subletting with the consent of Metro.

A sample Algonquin Island lease extension, dated July 31, 1970, contained a complete prohibition against any assignment or sublease after August 31, 1970. Subsequent extensions, however, permitted an assignment or sublease with Metro's consent. None of the sample documents pertaining to Algonquin Island property contain a provision parallel to the "twice within five years" restriction found in the Ward's Island example.

Extensions

The sample leases for Hanlan's Point and Centre Island both permitted the tenant to renew the lease for 21 years if he had conformed to all terms and conditions and had given 30 days written notice of his desire to renew. The City, however, was not bound to renew the lease. If the City refused to renew, the tenant was entitled to compensation equal to the value of the structures on the property at that time.

No provision for renewal appears in any of the sample Ward's Island leases. In contrast, the early leases for property on Algonquin Island provided for an extension of up to 10 years, if the land was not required by the City. Subsequent Algonquin Island leases did not include a renewal provision.

The sample leases indicate that by the 1970's Metro had begun to use a document entitled "Agreement Extending Lease" for the Ward's and Algonquin properties. The extensions were of relatively short duration. The final extensions made on July 28, 1971 were for one year from September 1, 1971, and then from year to year unless terminated on 90 days' written notice.

In 1969, Metro Council decided on rental rates of \$150. per year for each of the Ward's properties and \$200. per year for each of the Algonquin Island properties. These new rates were included in the lease extensions. Another change introduced in the lease extensions was that in addition to rent and taxes, the tenants were made liable for assessments and changes of any kind whatsoever, including business, realty and local improvements taxes made at any time during the tenancy.

Subsequent lease extensions were in effect until August 31, 1974, when all residential leases expired.

Termination

Demolition of Toronto Islands residences by Metropolitan Toronto began in 1957. Removal of the buildings commenced with the cottages on Hanlan's Point and Centre Island. As was mentioned earlier, the Hanlan's Point and Centre Island leases entitled the residents to compensation if their leases were terminated.

Robert Bundy advised this Commission that by 1967, 341 leasehold properties (not all residential) had been surrendered for which Metro paid \$3,607,862. in compensation. In that year, an expropriation By-Law was passed to allow Metro to obtain 33 additional properties. Compensation payments for these properties totalled \$478,604.

On December 11, 1973, Metro Council adopted the recommendation contained in Report No. 21 of the Metro Parks and Recreation Committee that the residential leases on Ward's Island and Algonquin Island be terminated as of August 31, 1974, and that the Metro Solicitor be authorized and directed to take the necessary action to do so. None of the leases for either Ward's Island or Algonquin Island property ever provided the tenant with a right to compensation if the lease were terminated.

Mr. Bundy testified that, according to Metro's records, the leaseholds in existence on the Toronto Islands on various dates were as follows:

AREA	Jan.1, 1956	Dec.31, 1968	Dec.12, 1973	Oct. 1980
Hanlan's Point	117	0	0	0
Centre Island	259	0	0	0
Ward's Island	160	156	150	147
Algonquin Island	107	107	104	103
TOTAL	643	263	254	250

Since Metro's position is that the residential leases all expired on August 31, 1974, and no more extensions were given, the figures given above for October of 1980 must refer to the number of residences remaining which previously had held leases.

Notices of Termination

On January 18, 1974, notices of termination were prepared by Metropolitan Toronto requiring possession of the residences as of August 31, 1974. These notices, together with a covering letter, were sent via registered mail by staff of Metro's legal department on or about January 30, 1974 to each of the residential tenants on Ward's and Algonquin Islands. Three and one-half months later, more particularly on May 16, 1974, service of the notices of termination was also effected either personally on the tenants or otherwise in accordance with the provisions of The Landlord and Tenant Act.

The residents commenced an action on July 4, 1974 seeking a declaration that the relevant provisions of By-law 220-73 of Metropolitan Toronto (under the authority of which Metro purported to terminate the residential tenancies) and the actual notices of termination were null and void. The trial came on before Mr. Justice Osler in April of 1975. On April 25, 1975, Mr. Justice Osler gave an oral judgment concluding that the tenancies would subsist until August 31, 1975, and that Metro would be entitled to possession as of that date.

Subsequently, the residents appealed to the Court of Appeal for Ontario. Metropolitan Toronto cross-appealed, still claiming that the tenancies terminated on August 31, 1974. The appeal was argued in January of 1976 and the unanimous judgment on March 16, 1976 was delivered by Mr. Justice Howland (now the Chief Justice of Ontario) on behalf of himself, Mr. Justice Evans (now Chief Justice of the High Court) and Mr. Justice Blair. The Court of Appeal found that the notices of termination were ambiguous and lacked the required certainty to terminate the residential leases. Accordingly, the notices were adjudged to be null and void.

Following the victory of the Islanders in the Court of Appeal, Metropolitan Toronto appealed to the Supreme Court of Canada. The appeal was heard in that Court on May 9, 1977 before the full bench of nine judges. The judgment was handed down on June 24, 1977. A majority of the judges reversed the decision of the Court of Appeal and restored the judgment of Mr. Justice Osler. In effect, this meant (although it was now 1977) that the notices of termination were valid to have ended the residential tenancies as of August 31, 1975.

Writs of Possession

The Supreme Court of Canada having ruled that Metropolitan Toronto was entitled to possession of the residences, Metro took steps with a view to obtaining possession of them.

In July and August of 1977, Metro's Solicitor started proceedings under The Landlord and Tenant Act seeking orders for writs of possession. The applications were dealt with by His Honour Judge Ferguson in August and September of 1977. After having reserved judgment, His Honour delivered written reasons on October 18, 1977 in which he found that Metro was entitled to writs of possession. By orders dated October 19, 1977 and October 24, 1977, Judge Ferguson ordered that writs of possession be issued in respect of each of the residential premises.

Based upon Judge Ferguson's orders, Metro obtained writs of possession regarding six of the residences and delivered them to the Sheriff of the Judicial District of York.

By notices of appeal dated October 28, 1977 and November 10, 1977, the Toronto Island residents appealed from the judgments of His Honour Judge Ferguson to the Divisional Court. None of the six writs lodged with the Sheriff had yet been enforced. On consent, no further writs of possession were

sought pending the result of the appeals in the Divisional Court. The argument of the appeal took place before the Divisional Court on September 6, 1978. Mr. Justice Anderson, writing on his own behalf and on behalf of Mr. Justice Pennell and Mr. Justice Cromarty, delivered the unanimous judgment of the Divisional Court on October 20, 1978, upholding the judgments of His Honour Judge Ferguson.

On October 31, 1978, Metro obtained the remaining 246 writs of possession. These were not filed with the Sheriff at that time.

Several days later, on November 6, 1978, the Sheriff in a form letter returned the original six writs to the Metro Solicitor, on the ground that they had expired and would require renewal before they could be enforced. On the same day, the Metro Solicitor returned those writs to the Sheriff, taking the position that the writs had not expired. In any event, Metro instructed the Sheriff not to enforce the writs but simply to hold them awaiting further instructions.

Later that month, the matter was debated in the Legislature. The House, on November 16, 1978, concurred in Resolution 27, worded as follows:

That in the opinion of this House the residential portions of Ward's and Algonquin islands now occupied by the Toronto Island homes be transferred back to the city of Toronto in order that the island residents be saved from eviction, and that this be done by amending the Municipality of Metropolitan Toronto Act to that effect.

About one month later, the Minister of Intergovernmental Affairs for Ontario made a statement in the Legislature. On December 14, 1978, the Honourable Thomas L. Wells told the House that the most recent Court decision affecting the status of residents on the Toronto Islands had brought considerable public attention to the matter. He noted that there were still sharply-differing opinions and attitudes on the question of whether people should continue to reside on the Islands. His remarks referred to the suggestion made that the Government, through the Legislature, should take action to prevent Metro Council from evicting the present residents. Mr. Wells stated that it would be so much better if the Government, with the support of the Legislature, could serve as a mediator rather than arbitrator in this dispute. He indicated that several possibilities could be explored, but that the key point was that it would take time to carry out a reasoned, rational approach to solving the Island dispute. To avoid putting Government into a situation where it would be required to take immediate action, Mr. Wells suggested that the writs of possession not be enforced for a period of time - say six months - in order that the various alternatives could be explored. He told the House that he was sending a letter to the Chairman of Metro Council, together with his proposal.

In fact, the Minister did write to the Metro Chairman, Mr. Paul Godfrey on the same day, sending the Chairman a copy of the text of the statement made to the Legislature. In an affidavit prepared by the Metro Solicitor for the purposes of later court proceedings, it was stated that pursuant to the request of the Minister, Metro took no further proceedings at that time to enforce the writs of possession. A further discussion on the Islands residential issue took place on October 15, 1979 in the Legislature regarding the intentions of Government.

On October 19, 1979, Mr. Wells made a further statement in the House and introduced Bill 153. The Minister said that he still believed that decisions affecting the future of the people involved should not be made in the tense atmosphere imposed by imminent eviction. He indicated that he had, in recent months, met several times with representatives of both Metro Council and Toronto City Council. He reported that despite earnest talks during the preceding few months, no agreement had been reached on a solution to the problem among the interested parties. Having come to the conclusion that the issue had to be resolved without any further delay, Mr. Wells tabled Bill 153.

According to his statement, the Bill would allow the then current Island residents to live in peace as long as they chose to remain and, over the long term, as residents gradually left, it would mean that the Island property would revert to Metropolitan Toronto.

Mr. Wells wrote again to Mr. Godfrey, Metro Chairman, on December 19, 1979. In that letter, the Minister advised him that Government would not be proceeding with Bill 153 during that Session of the Legislature. He told the Chairman of his intention to introduce a new bill in essentially the same form during the Spring Session and requested that in the interval Metro refrain from taking any action to enforce the writs of possession. On December 20, 1979, Mr. Wells reported to the Legislature and echoed his advice in the letter to Mr. Godfrey written the day before.

At its meeting held on February 26 and 27, 1980, the Council of Metropolitan Toronto passed a resolution that if a bill similar to Bill 153 was not enacted by the Provincial Legislature and brought into force by June 30, 1980, the Metropolitan Solicitor be instructed to have the writs of possession enforced as soon as possible. That resolution was not rescinded nor altered by Council.

As promised, the Honourable Thomas L. Wells introduced Bill 5 - essentially the same as Bill 153. It received its first reading in the Legislature on March 13, 1980. Comments of representatives of the opposition parties in the Legislature made on June 5, 1980 made it clear that Bill 5 would be defeated. (It should be herein noted that the Government of Ontario was in a minority position.) It being the last day before summer adjournment of the House, on June 19, 1980, the Minister made a statement in the Legislature that Bill 5 would not be called for a second reading and that it would remain on the Order Paper for consideration during the Fall Session. He added that he would be asking Metropolitan Toronto not to proceed with the writs of possession and that he would propose that Cabinet establish a Commission to inquire into the future uses of the residential lands on the Toronto Islands.

Once again, on June 20, 1980 the Minister wrote to Mr. Godfrey, this time appending a copy of his statement the day before in the Legislature, and advising his intention to recommend the establishment of a Commission of Inquiry. Mr. Wells asked that Mr. Godfrey suggest the names of two persons who would represent Metro on a five-member Commission

and that, in the interim, Metro not proceed with the enforcement of the writs of possession. On the same day, in similar fashion, Mr. Wells wrote to Mayor John Sewell of the City of Toronto, asking that the City suggest the names of two persons who would be appointed to the Commission. At its meeting held on June 24, 1980, Metropolitan Toronto Council had before it the letter of the Minister, dated June 20, 1980. The contents of the letter were noted and filed, but no other action was taken with respect to the request of the Minister.

In accordance with the resolution passed by Metro Council in February, 1980, on July 2, 1980 Metro's Solicitor arranged the delivery to the Sheriff of the remaining 246 writs of possession with a demand that the Sheriff enforce those writs and, in addition, the original six writs of possession returned to the Sheriff in November, 1978. The Office of the Sheriff, on the same day, returned all 252 writs of possession to the Metro Solicitor with a letter explaining that the writs had apparently expired and taking the position that before the Sheriff acted, the question of the validity of the writs should be settled by the parties and failing that, by resolution of the Court

as between the parties. The Metropolitan Toronto Solicitor replied to the Sheriff on July 3, 1980 setting forth the legal position taken by Metro and expressing that he had no alternative but to apply to the Court to require the Sheriff to enforce the writs of possession. A further letter was written to the Metropolitan Toronto Solicitor under date of July 7, 1980. In that letter, the position of the Sheriff that the writs remain in force for a limited time (one year from the date of judgment or order authorizing their issue) was repeated. It was added in the letter that a legal opinion from the Ministry of Attorney General was in accord with that position and that the Sheriff would rely on the Courts for a resolution.

In an affidavit prepared in support of a motion requiring the Sheriff to enforce the writs of possession, Alexander P. G. Joy, Q.C., Metropolitan Toronto Solicitor, deposed that since Judge Ferguson's original orders of possession and the writs of possession obtained pursuant to them, no new tenancies had been created with any of the Island residents nor had any rent been accepted from them. He continued by stating that the only monies received by Metro from the residents had been a partial payment of occupancy monies provided for under The Landlord and Tenant Act and this was received on the clear and explicit understanding on both sides that the acceptance thereof would not be deemed to create any new tenancy.

He added that: "The persons presently occupying or residing in the said premises are accordingly mere trespassers and have been so since at the very latest the judgment of the Divisional Court dismissing the Islanders' appeals."

On July 9, 1980, Metropolitan Toronto applied to the Supreme Court of Ontario for a mandatory order requiring the Sheriff to enforce the writs of possession. The application named only the Sheriff as respondent. Mr. Justice O'Driscoll who heard the application was asked by Metro for special leave to have the application dealt with by a single Judge of the Supreme Court. Otherwise, the matter would have been delayed for a number of months to be heard in the normal course of events by three Judges sitting as the Divisional Court. Before hearing the application by Metro, Mr. Justice O'Driscoll heard an application by the Island residents for an order dismissing Metro's application for failure to name all necessary parties or adjourning it until the Island residents had been made parties. Mr. Justice O'Driscoll refused the application of the Island residents but, at the same time, he made an order adding them as parties and directed that they should be represented in the proceedings by Mr. Peter Atkinson (the counsel who had represented the residents in early court proceedings). His Lordship then proceeded to hear argument on the application of Metro to have a

single Judge of the Supreme Court determine the validity of the writs of possession without having to wait for a hearing of the matter by the Divisional Court. He reserved his judgment until the following day.

In the morning of July 10, 1980, Mr. Justice O'Driscoll decided that the application of Metro constituted a case of urgency and that the delay involved in the matter going to the Divisional Court would likely involve a failure of justice. Consequently, he decided that he would personally hear argument on the merits on July 15, 1980.

As scheduled, on July 15, 1980, Mr. Justice O'Driscoll heard arguments on the merits. At the end of the hearing, he reserved his decision. On July 24, 1980, His Lordship delivered written reasons, granting a mandatory order directing the Sheriff forthwith to enforce the writs of possession.

The Ministry of the Attorney General for Ontario, on July 25, 1980, confirmed that the Sheriff was proceeding to enforce the 252 writs of possession and that he would be serving notices to vacate on the Island residents advising them that he would be taking steps to deliver up possession of the residential premises to the Municipality of Metropolitan Toronto. On the very same day, Metro Toronto turned the writs over to the Office of the Sheriff in the cases of all 252 residences. On July 28, the Acting Sheriff,

Deputy Sheriff and four other officials attended on the Toronto Islands, met with the residents, but did not serve eviction notices after the residents requested a delay of 24-hours.

An application seeking leave to appeal to the Ontario Court of Appeal was brought on behalf of the Toronto Island residents from the decision of Mr. Justice O'Driscoll. On July 29, 1980, Mr. Justice Houlden of the Court of Appeal ruled that their application seeking leave would be heard by the Court of Appeal on July 31, 1980. Counsel representing the Acting Sheriff at the hearing stated that the Sheriff usually waits seven to ten days before processing eviction writs, so that there would be no action until the middle of the following week in any event.

When the matter came on before the Court of Appeal on July 31, 1980, that Court granted leave to appeal to the Toronto Island residents and ordered a stay of execution of the writs of possession by the Sheriff. A request by Metropolitan Toronto for a special sitting of the Court of Appeal in the month of August was refused on August 8, 1980 by the Chief Justice of Ontario. The Chief Justice set September 24, 1980 as the date for the hearing of the appeal.

Commencing on September 24, 1980, the Court of Appeal heard argument on the validity of the writs of possession. Argument was concluded before the five-member panel of Judges on September 25th, and judgment was reserved. Just over one month later, specifically on October 27, 1980, the Court of Appeal released its unanimous judgment finding that Mr. Justice O'Driscoll was right in granting the mandatory order directed to the Sheriff.

The decision of the Court of Appeal was released at a time when this Commission was in formal session. Mr. Peter Atkinson, counsel for the residents of Toronto Islands before the Court of Appeal and before this Commission, declared that it was his intention to recommend to his clients against seeking leave to appeal the decision of the Court of Appeal to the Supreme Court of Canada. On November 3, 1980, during the course of final submissions to this Commission, Mr. Atkinson confirmed that his clients were not pursuing the matter any further in the Courts.

On the last day the Commission sat in formal session (November 5, 1980), the final exhibit was tendered and marked. It was a "Sheriff's Notice To Vacate" received by one of the Island residents by mail the previous day. The notice was to the effect that by virtue of a writ of possession, the Sheriff was commanded to require the recipient to vacate

the lands and premises on or before November 17, 1980. It added that the recipient should remove goods and chattels from the premises before the prescribed date and any goods and chattels remaining thereafter would be removed by the Sheriff's officers and deposited outside the property line.

In the light of this development, a Government Bill was introduced in the Legislature by the Honourable Thomas L. Wells. Identified as Bill 181, it had its first reading on November 13, 1980. The effect of the Bill was to stay the execution of the writs of possession until July 1, 1981. Second and third readings of the bill were given on Friday, November 14, 1980 and it was passed into law known as The Toronto Islands Act, 1980.

Specifically, the interim legislation provides that the execution of the writs of possession issued pursuant to the orders of His Honour Judge Ferguson, made on October 24, 1977 under the authority of The Landlord and Tenant Act in respect of premises listed in a Schedule, are to be stayed during the period from November 13, 1980 until July 1, 1981. By Schedule to the Act, each municipal address involved is listed. During the period of the stay, it is provided that no further writs of possession are to be issued or executed for the recovery of possession by Metropolitan Toronto in respect of any of the premises listed. The statute also provides that after July 1, 1981,

each writ of possession remains valid and effective for the purpose of recovery of possession of the premises named in the writ, even though the occupier might be a person other than the person named in the writ and though no new order has been made for a writ of possession or a new writ of possession has been issued in respect of the premises.

Payment of Realty Taxes

Realty taxes on the Toronto Island residential properties, based upon an assessment of both land and buildings, are payable to the City of Toronto.

The Courts decided that Metro's notices of termination were valid for a possession date of August 31, 1975, although the judgment of the Supreme Court of Canada in that regard was not rendered until June, 1977. Some might have thought, therefore, that the obligation of the tenant to pay realty taxes had come to an end, the lease requiring same having ended.

Robert Bundy, Metro's Parks Commissioner, testified that his Department was interested in the payment of realty taxes "because as the representative of the owner we are called upon to pay them rather than let the property be put up on a tax sale which we have done on certainly one occasion during my tenure as Commissioner". In that particular case threatening letters were received from the City, and Metro ultimately paid the sum of \$1,722.66 to avoid a tax sale and the risk of losing title to the land. He also told of three other cases, now in limbo, with respect to which notices were received by him from the tax collector.

These cases seem to be relatively isolated and, for the most part, real estate taxes have been looked after by or on behalf of the residents.

Walter Wilford, Commissioner of Finance and City Treasurer, City of Toronto, testified about the Islands residential realty tax status. From his evidence on the 1980 levy, the following table has been formulated:

AREA	TOTAL LEVY IN 1980	PROPERTIES INVOLVED	AVERAGE LEVY PER PROPERTY
WARD'S ISLAND	\$49,824.43	146	\$341.30
ALGONQUIN ISLAND	\$49,615.50	105	\$472.50
BOTH AREAS	\$99,439.93	251	\$396.18

Mr. Wilford gave his evidence on September 9, 1980 and furnished the Commission with the payment picture as of September 2, 1980. He pointed out that, to be sure, the final instalment of 1980 taxes was not due until September 15, 1980. Nonetheless, in 139 of 251 cases, 1980 taxes had been paid in full. (There is a discount available for advance payment.) Of the remaining 112 units, 67 were on Ward's and 45 on Algonquin. The amount outstanding for Ward's was \$13,113.12 and for Algonquin \$9,319.85, making a total unpaid of \$22,432.97.

When asked about tax arrears, Mr. Wilford stated that no amounts are owing for the year 1977 or earlier.

Arrears for both 1978 and 1979 with respect to Ward's and Algonquin, excluding penalties and interest, produce a total figure of \$6,025. (as of September 2, 1980). To give the reader a sense of the location and number of properties entailed, I present the following table:

AREA	1978 ARREARS		1979 ARREARS	
	PROPERTIES INVOLVED	AMOUNT	PROPERTIES INVOLVED	AMOUNT
WARD'S ISLAND	3	\$516.	16	\$4,101.
ALGONQUIN ISLAND	0	0	5	\$1,408.
BOTH AREAS	3	\$516.	21	\$5,509.

Because the final instalment was not yet due when the City Treasurer was before the Commission, I requested that he supply an updated record at the end of the month (September, 1980). He obliged and also furnished further follow-up figures as of October 29, 1980. The score as it appeared when he gave evidence and on the two subsequent dates, together with the total levy for the three years in question, relating to all of the Island residences is presented below:

TAXATION YEAR	TOTAL LEVY	AMOUNTS OUTSTANDING ON DATE SPECIFIED		
		SEPTEMBER 2, 1980	SEPTEMBER 30, 1980	OCTOBER 29, 1980
1978	\$ 89,678.	\$ 516.	\$ 398.	\$ 353.
1979	\$ 95,379.	\$ 5,509.	\$ 4,957.	\$ 4,241.
1980	\$ 99,440.	\$22,433.	\$19,130.	\$15,541.
TOTALS	\$284,497.	\$28,458.	\$24,485.	\$20,135.

How does the realty tax payment performance of the Islanders rate? Such a measurement would not be meaningful in a vacuum and I sought to relate their record to the City of Toronto standard. The City Treasurer, at my request, furnished certain data which I tabulated as follows:

PERCENTAGE OF TAX LEVY COLLECTED (as of October 29, 1980)		
TAXATION YEAR	TORONTO ISLANDS RESIDENTIAL	CITY OF TORONTO
1978	99.61%	98.96%
1979	95.55%	98.24%
1980	84.37%	94.42%

Concerning the clubhouses on Ward's and Algonquin, the owner is shown on the rolls as being Metropolitan Toronto, with the lessee being the respective Associations. The 1980 tax levy for the Ward's Island Clubhouse was \$834.32. For the Algonquin Island Clubhouse, the taxes were \$972.93. Both amounts were paid.

Payment of "Rent"

Lease extensions were in effect for Algonquin and Ward's until August 31, 1974. The levels of rent at that time were \$200. and \$150. annually for Algonquin and Ward's respectively.

All contractual obligations having ceased, Metro no longer sought to collect rents beyond August 31, 1974.

James Peat, Director of Financial Services and Deputy Treasurer of Metro, testified that prior to 1974 annual rental bills were sent, but none thereafter.

In the meantime, the houses continued to be occupied and litigation with respect to the validity of the termination was in progress. To avoid prejudicing the legal position of the Metropolitan Corporation during the course of the litigation, Metro did not, at first, accept any payments from the residents for "rent" beyond August 31, 1974. Shortly after the end of August, 1975, discussions were held between Metro officials and Peter Atkinson, Solicitor for the Residents' Association, concerning compensation.

By letter addressed to the Metropolitan Clerk, dated December 8, 1975, Mr. Atkinson wrote, in part, as follows:

In any event, the Island residents have had the use of the said lands for the period August 31, 1974, to August 31, 1975, and it is my clients' view that it is now appropriate in all the circumstances, that last year's rent payment be made to the Metropolitan Corporation. This payment would be made on the express understanding that such payment would in no way create any new rights on either side and that such payment would not affect the position taken by the Municipality of Metropolitan Toronto that the said leases were in fact validly terminated as of August 31, 1974. Nor would the said payment in any way affect the position taken by the Toronto Island residents that the action of the Metropolitan Corporation on December 11, 1973, was invalid and that the notices of termination served pursuant to that action are null and void.

A joint report of the Metropolitan Solicitor and the Metropolitan Parks Commissioner recited the Metropolitan Solicitor's advice that "by the terms of the offer it may be accepted without prejudice to the rights of either side in the pending litigation and that therefore there is no legal objection to such acceptance". The two officials gave their opinion that it would be wise to accept the offer made through Mr. Atkinson. On February 10, 1976, Metro Council approved the receipt from the Islanders of what was referred to as "occupation compensation" for the period of September 1, 1974 to August 31, 1975. Payments were made through Mr. Atkinson. Subsequently, Mr. Atkinson advised that the Island residents were

desirous of bringing their occupation compensation up to date, but that he could not undertake to act as collection agent. He suggested that residents pay compensation on an individual basis directly to Metro in amounts equal to the rent that would have been continued to be payable had the leases not been terminated. As Solicitor for the residents, Mr. Atkinson gave his undertaking "that the acceptance of such rent by Metro will be on a completely without prejudice basis and on the express understanding that an issue will not be raised on behalf of my clients that by the acceptance of ground rent any form of tenancy has been created or that Metro is in any way estopped from asserting that the leases had been terminated."

In a memorandum to Metro's Executive Committee, dated March 22, 1978, the Metropolitan Solicitor wrote: "In my opinion it would be advisable to accept Mr. Atkinson's proposal rather than leave the matter to some later date when difficulties of collection might arise. The Metropolitan Parks Commissioner has confirmed his concurrence with this report."

By letter dated April 19, 1978 from Metro's Legal Department to Mr. Atkinson, it was noted that the Metropolitan Treasurer had been advised to accept payments in accordance with Council authority provided

each payment was accompanied by a properly completed and signed Acknowledgment in a form prescribed. It was noted also that no monies would be accepted attributable to any time past March 31, 1978.

Mr. Peat testified that his Department has continued until the present to accept any monies paid by way of "occupation compensation" so long as the period to which is is attributed is not later than the end of the then preceding month.

Data concerning payment of this compensation was the subject of Mr. Peat's testimony on September 15, 1980.

In response to a request, Mr. Peat supplied the Commission with an update of compensation payments received by Metro one month following the date of his testimony. The tables which follow have been built from his testimony and certain documents filed as exhibits. These tables show the compensation payment performance (one each for Algonquin and Ward's) and deal with the respective measurement dates of September 15, 1980 and October 15, 1980.

ALGONQUIN ISLAND"RENTAL" PAYMENTS1974 to 1980

PERIOD COVERED	RESIDENCES	PAYMENTS MADE			
		AS OF SEPT. 15, 1980		AS OF OCT. 15, 1980	
		NUMBER	PER CENT	NUMBER	PER CENT
1974 - 75	104	96	92.3	96	92.3
1975 - 76	104	94	90.4	94	90.4
1976 - 77	104	28	26.9	47	45.2
1977 - 78	104	27	26.0	45	43.3
1978 - 79	104	15	14.4	37	35.6
1979 - 80	103	1	1.0	32	31.1
TOTAL	623	261	41.9	351	56.3

WARD'S ISLAND"RENTAL" PAYMENTS1974 to 1980

PERIOD COVERED	RESIDENCES	PAYMENTS MADE			
		AS OF SEPT. 15, 1980		AS OF OCT. 15, 1980	
		NUMBER	PER CENT	NUMBER	PER CENT
1974 - 75	150	136	90.7	136	90.7
1975 - 76	147	127	86.4	127	86.4
1976 - 77	147	16	10.9	39	26.5
1977 - 78	147	16	10.9	38	25.9
1978 - 79	147	8	5.4	30	20.4
1979 - 80	147	0	0	24	16.3
TOTAL	885	303	34.2	394	44.5

Looking at the payment tables as of September 15, 1980 when Mr. Peat appeared before the Commission, it can be seen that for the six years in question on Algonquin 261 of 623 possible payments (41.9 per cent) had been made. Corresponding figures for Ward's show 303 of 885 or 34.2 per cent.

In the one-month interval, percentage of payments made on Algonquin rose from 41.9 to 56.3, and on Ward's from 34.2 to 44.5. These payments represented the equivalent of 90 years of compensation payments on Algonquin and 91 on Ward's. It should be noted that in respect of many residences, payments covering more than one year were made.

Dollar-wise, according to my calculations, in the one-month period in question, Metro accepted \$200. times 90 (\$18,000.) on account of Algonquin Island residences, and \$150. times 91 on Ward's (\$13,650.). In total, the receipts for the month were \$31,650.

Mr. Atkinson, for the Island residents, brought to my attention that certain monies were paid subsequent to the October 15, 1980 measurement. There was, however, a need for finality and no attempt was made to obtain a record beyond that date.

Still outstanding, aside from any payments made after October 15, 1980, are 362 payments at \$200. each on Algonquin (\$72,400.), and 582 payments at \$150. each on Ward's (\$87,300.), for a total of \$159,700.

Having noted the substantial arrears of payments in lieu of rent, I sought out explanations from various Islander witnesses. Elizabeth Amer, Co-Chairman of the Toronto Islands Residents' Association, told the Commission, in referring to the Association, that: "We have not had a coherent policy on that. We have left it up to the individuals". The other Co-Chairman, Ronald Mazza, in discussing the same question, stated that: "The antagonism that exists between the residents and Metro runs very deep, and it is, in my own mind, it was a difficult decision whether to pay that ground rent or not". Peter Cridland, who recently paid an amount of "rent" offered a number of explanations of why he had not paid earlier. These he expressed to include the absence of bills being sent by Metro as it had once done, human nature not to seek out bills or amounts owed, the lack of clarity for the payment mechanism, and the built-up animosity serving as a disincentive. Mary Anderson, also an Island resident testified that she adds the money owing for "rent" each year and keeps it in the bank and is awaiting a bill from Metro.

Dealing finally with the Clubhouses, it has already been mentioned in this Report that the annual "rental" for the Algonquin Island Clubhouse and the Ward's Island Clubhouse was \$75. and \$25. respectively. Records received from Metro indicate that in both cases the last payment was applied to the year 1974-75. It appears from the evidence, however, that the sum of \$300. (representing four years of occupation compensation) was debited against the account of the Algonquin

Island Association on June 20, 1980, in favour of Metro.

There is no evidence that any payment has been offered respecting the Ward's Island Clubhouse for a period beyond the 1974-75 year.

chapter fifteen

THE RESIDENTS

1. POPULATION AND AGE DISTRIBUTION
2. DEPENDENT CHILDREN
3. LENGTH OF RESIDENCE
4. YEAR-ROUND AND SEASONAL
5. "TENANTS" AND "OWNERS"
6. RELATIONS WITH METROPOLITAN TORONTO

Population and Age Distribution

The City of Toronto's September, 1973 Report entitled "Toronto's Island Park Neighbourhoods" documents the 1951 and 1971 censuses as showing Island residential population being 2,750 and 640 respectively. Reflected in the drastic decline is, of course, the demolition programme.

City of Toronto Planning Staff in preparation of that Report conducted a social survey of Island residents in July, 1973. Information was obtained on the age distribution of residents. Questionnaire returns were received from only 192 households (of 254 residences) and contain information on 556 people. From this total, 19 individuals classified as "winter only" residents were deducted by City staff thereby arriving at a count of 537 for the reporting households. The following table shows age distribution of the population of each area according to Planning Staff figures:

AGE DISTRIBUTION
CITY OF TORONTO 1973 SURVEY

AGE	ALGONQUIN	WARD'S	TOTAL
0 - 4	18	32	50
5 - 9	18	36	54
10 - 14	14	15	29
15 - 19	17	11	28
20 - 24	26	35	61
25 - 29	27	40	67
30 - 34	19	41	60
35 - 39	11	22	33
40 - 44	14	21	35
45 - 49	24	15	39
50 - 54	10	13	23
55 - 59	9	5	14
60 - 64	4	9	13
65+	10	21	31
TOTAL	221	316	537

The table above is inserted for information purposes only. It and other tables contained in the 1973 Report appear to be incomplete in many respects. Furthermore, the data in those tables are dated by seven years. I wanted to know the picture as it was at the time of the Inquiry.

A survey, prepared by two Island residents, Penny Lawler and Peter Dean, during the week of October 5, 1980 on behalf of the Island residents, was introduced in evidence at this Inquiry. According to Miss Lawler, she has conducted psychological and social research in the past 13 years and her co-author, Mr. Dean, has a Ph.D. in psychology and has also been involved in research. While there are 252 houses on the Islands (105 on Algonquin and 147 on Ward's), two are now in Metro's possession leaving a total of 250 of which two others are vacant and are not included in the survey data. The survey method entailed nine Island residents who interviewed a member of each household in person or by telephone. In 22 cases, the occupants could not be reached; and in Ms. Lawler's words, "...information from these households was provided by neighbours or friends, if they felt confident of the facts." Only partial data were available in five situations.

The 1980 Island Residents' Survey found 623 people to be resident on the Toronto Islands: 279 on Algonquin and 339 on Ward's.

Arthur Thompson, Regional Assessment Commissioner for the Ministry of Revenue, testified about Assessment Roll and census data collected annually by his Ministry. At the time of his testimony, the 1980 census had not yet been completed. However, he agreed to provide the

Commission with the particulars of ages of Island residents to be taken from the 1980 enumeration once it was available. Those data were forward to the Commission subsequently and indicate that the total number of residents on the Islands is 602, with information on age available in all but six cases.

The population figures and age distribution figures as collected by the Ministry of Revenue and by the Island residents, both in 1980, are compared below:

<u>POPULATION AND AGE DISTRIBUTION</u> <u>1980 SURVEYS</u>				
AGE	ISLAND RESIDENTS' SURVEY			MINISTRY OF REVENUE CENSUS
	ALGONQUIN	WARD'S	TOTAL	
0 - 5	22	21	43	45
6 - 12	25	43	68	64
13 - 17	22	30	52	43
18 - 29	54	63	117	113
30 - 39	68	92	160	168
40 - 49	27	39	66	58
50 - 64	41	31	72	70
65+	20	20	40	35
Unknown	-	-	5	6
TOTAL	279	339	623	602

The two 1980 surveys show a discrepancy in the total number of residents on the Islands. The Island Residents' Survey found a total of 623 residents occupying Island dwellings on a year-round, summer or other than summer basis. The Ministry of Revenue's total is 602. It is difficult to explain the difference in the figures, given that the surveys were done within one month of each other.

Generally, variations between the two 1980 surveys are relatively small and do tend to demonstrate similar distribution of ages. I find that the age distribution figures listed by the Ontario Ministry of Revenue, an independent body, tend to corroborate the Island Residents' Survey in that regard. There is but only a 3.37 per cent differential between the 602 and 623 population totals. Nothing of significance could fairly turn on this difference and, for purposes of more detailed analyses of the residents which appear later in this Report, I am prepared to accept the 623 figure.

The Island Residents' Survey provides a further analysis of residents by adult and children categories, showing that 74 per cent of the Island population is 18 years of age or over, and conversely, 26 per cent is under 18.

1980 ISLAND RESIDENTS' SURVEY			
ADULTS AND CHILDREN			
	ALGONQUIN	WARD'S	TOTAL
Adults (18 or over)	213 (47%)	245 (53%)	458 (74%)
Children (under 18)	69 (42%)	96 (58%)	165 (26%)
Total by Area	282 (45%)	341 (55%)	623 (100%)

Of the total population, it can be seen from the table immediately above that 282 or 45 per cent reside on Algonquin Island and 341 or 55 per cent on Ward's.



An age categorization of "Lifetime Residents", defined by Ms. Lawler as "both summer and year-round residents, who had lived either their entire life or since early childhood, that is before five years of age, on the Island..." is tabulated as follows:

<u>1980 ISLAND RESIDENTS' SURVEY</u> <u>AGE DISTRIBUTION OF</u> <u>LONG-TERM ADULT RESIDENTS</u>			
CURRENT AGE	ENTIRE LIFE	EARLY CHILDHOOD	TOTAL
18 - 29	29	9	38
30 - 39	17	3	20
40 - 49	11	1	12
50 - 59	8	1	9
60 - 69	5	3	8
70 - 79	-	2	2
80 - 89	-	-	-
90 - 91	-	1	1
TOTAL	70	20	90

I thought that it would be useful for the purposes of this Commission to determine the average density of residents per house and the range of numbers involved. These data were supplied through an exhibit tendered by Mr. Peter Atkinson, Counsel for the Island residents, and they are tabulated as follows:

<u>1980 ISLAND RESIDENTS' SURVEY</u> <u>NUMBER OF OCCUPANTS BY HOUSEHOLD</u>				
NUMBER OF RESIDENTS PER HOUSEHOLD	ALGONQUIN	WARD'S	TOTAL	PER CENT OF TOTAL
0	1	1	2	1
1	14	47	61	24
2	32	52	84	33
3	34	27	61	24
4	14	15	29	11
5	7	5	12	5
6	2	0	2	1
7	0	2	2	1
8	0	0	0	0
9	0	0	0	0
10	0	0	0	0
11	0	1	1	1
TOTAL	104	150	254	101

The table above shows 254 households, whereas 250 has been the Island residents' base figure. An inflated total of 254 was arrived at by the inclusion of two households for each address where the occupation is seasonally staggered and the exclusion of one where no figure was available.

As can be seen from the table, there is one residence on each of the the Islands which is unoccupied. In those dwellings where there are occupants, there are anywhere from one to 11 residents. In the case of 61 of 254 (approximately 24 per cent), there is only one occupant in each.

Dependent Children

The 1980 Island Residents' Survey includes an analysis of the number of "year-round" households which have dependent children (under 18) living at home. In 86 (39 per cent), of the 222 "year-round" households, there are dependent children. The following information is compiled from that survey:

<u>1980 ISLAND RESIDENTS' SURVEY</u> <u>"YEAR-ROUND" HOUSEHOLDS</u> <u>WITH DEPENDENT CHILDREN</u>				
	ALGONQUIN	WARD'S	TOTAL	PER CENT OF TOTAL "YEAR-ROUND" HOUSEHOLDS
Single Parent	8	20	28	13
Two Parent	34	24	58	26
TOTAL	42	44	86	39

According to other data supplied by the Island residents, in these 86 households there are a total of 134 children, 65 on Algonquin and 69 on Ward's. Those data show an additional 31 children, not reflected in the dependent-children household statistics, who live in homes on the Island in the summer months only (defined by the residents as "anyone whose principal residence is off the Island and lives on the Island only during the summer months and perhaps late spring and early fall.")

Christina Gay and Martin ter Woort, in a submission on behalf of the "Summer Islanders", write that 11 of the 25 families involved have "school-age" children.

Of the total number of residents ("year-round and summer-only"), 165 were under 18 years of age at the time of the 1980 residents' survey. The Ministry of Revenue's 1980 census shows 152 in that category of a total of 602. Therefore, depending upon the survey, minors comprise 25 per cent or 26 per cent of the total population.

Length of Residence

The 1980 Island Residents' Survey contains statistics on the length of residence on the Islands for occupants of 244 homes. Each household is categorized according to the number of years the longest residing household member has lived on the Islands, but not necessarily in that particular house. From the testimony of certain Island residents, it seems that it is not uncommon for Islanders to move from house to house within the community. Furthermore, some residents had previously resided on Centre Island or Hanlan's Point and later moved to Ward's or Algonquin. It is the cumulative period of time spent on the Islands that is the subject matter of the following table:

<u>1980 ISLAND RESIDENTS' SURVEY</u> <u>YEARS ON THE ISLANDS BY HOUSEHOLD</u>						
YEARS ON ISLANDS	ALGONQUIN ISLAND		WARD'S ISLAND		TOTAL	
	HOUSEHOLDS	%	HOUSEHOLDS	%	HOUSEHOLDS	%
1 - 5	7	3	25	10	32	13
6 - 10	24	10	30	12	54	22
11 - 20	29	12	27	11	56	23
21 - 30	28	11	26	11	54	22
31 - 50	9	4	21	9	30	12
51+	5	2	13	5	18	7
TOTAL	102	42	142	58	244	99

The above table indicates that 41 per cent of the households on the Islands combined have occupants who have resided on the Islands for over 20 years. Approximately 64 per cent of the households have occupants who have resided on the Islands in excess of 10 years. From the figures supplied, length of residence in a particular house cannot be determined.

In the written submission received on behalf of "Summer Islanders", wherein they refer to themselves as "permanent but less than full-time Islanders", a list of the number of years of residence for occupants of 25 households is contained. The figures furnished to the Commission have been categorized and placed in the table that follows:

<u>"SUMMER ISLANDERS"</u> <u>YEARS ON ISLANDS BY HOUSEHOLDS</u>			
YEARS ON ISLAND	ALGONQUIN	WARD'S	TOTAL
1 - 5	0	0	0
6 - 10	0	0	0
11 - 20	1	4	5
21 - 30	2	4	6
31 - 50	0	7	7
51+	0	7	7
TOTAL	3	22	25

A comparison of the table immediately above with the 1980 Island Residents' Survey of all residences suggests that while 87 households on Ward's Island have a 10-year plus Island occupant, in the case of 22 (slightly in excess of 25 per cent) of these households, the current occupants are not living there year-round. Accordingly, taking into account the number of households on both Islands that are occupied by non-year-round residents, the percentage of residences with 10-year plus occupants is reduced from 64 per cent to 55 per cent.

Metropolitan Toronto prepared certain listings tendered as exhibits through Robert Bundy, Metro's Commissioner of Parks and Property. Those listings contain the addresses of all remaining residential premises on Ward's and Algonquin, together with the names of leaseholders (and names appearing subsequently) as of 1956 (when Metro assumed the Islands from Toronto); December 31, 1968 (the date upon which all residential leases were to expire); December 12, 1973 (the day after Metro Council directed that possession of the residences be demanded as of August 31, 1974); and as of the date of the 1979 assessment for realty tax purposes.

Mr. Bundy compared lessee surnames as of December 31, 1968 with surnames listed as "tenants" on the 1979 Assessment Roll.

The following table has been composed from the data supplied by and the evidence of Mr. Bundy, to show to what extent the surname of the person listed as "tenant" on the 1979 Assessment Roll is identical with the surname attached to that address in the past, for the years 1973, 1968 and 1956 respectively:

<p style="text-align: center;"><u>TORONTO ISLANDS ADDRESSES</u> <u>1979 ASSESSMENT ROLL "TENANTS"</u> <u>SURNAME COMPARISON</u></p>						
COMPARISON WITH SURNAME IN	CASES WITH IDENTICAL SURNAME					
	WARD'S		ALGONQUIN		TOTAL	
	(TOTAL OF 147)	%	(TOTAL OF 103)	%	(TOTAL OF 250)	%
1973	73	50	70	68	143	57
1968	51	35	46	45	97	39
1956	18	12	15	15	33	13

It is not possible to compare the statistics in the table immediately above with those contained in the 1980 Island Residents' Survey, even though both of them count "households" or "addresses" as opposed to "heads". The reasons for this include that the effective dates of the data gathering are approximately one year apart; the time frames of longevity by the Islanders do not correspond with the measurement dates used in the Metro undertaking; and the criteria applied in each of the exercises were not the same.

Although the 1980 Island Residents' Survey paints what appears to be a more favourable picture in terms of "years on the Islands", the figures from the Metro surname records do not contradict the Islanders' findings. For example, the Residents' Survey, according to their measurements, saw inter-Island or intra-Island mobility as a continuum in terms of longevity, whereas the Metro data were restricted to a particular address. There may be and are likely a number of other reasons why the two surveys do not correspond.

In the end result, I suppose one of the main questions is what approach should be taken on the mobility feature.

Year-Round and Seasonal

The Commission had available to it two surveys on year-round and seasonal occupancy compiled by Island residents some seven years apart. In a 1973 survey included as an appendix to the City's "Toronto's Island Park Neighbourhoods" report, it was shown that at that time 197 of 254 households (77.5 per cent) on both Islands were occupied by the same people on a year-round basis. The 1980 Island Residents' Survey demonstrates that now 222 of 250 households (89 per cent) fall into this same category. A comparison is made as follows:

ISLAND RESIDENTS' SURVEYS OF <u>YEAR-ROUND & SEASONAL OCCUPATION BY HOUSEHOLDS</u>						
PERIOD OF OCCUPATION	ALGONQUIN		WARD'S		TOTAL	
	1973	1980	1973	1980	1973	1980
Year-round	98	99	99	123	197	222
Mixed (staggered occupation)	6	1	18	4	24	5
Summer only	1	1	32	18	33	19
Unknown	-	2	-	2	-	4
TOTAL	105	103	149	147	254	250

The table above indicates that in the seven years intervening, some 25 additional premises appear in the year-round classification, showing a trend to that type of occupancy. That trend is supported in the "Summer Islanders"' written submission which includes a list of actual names of persons who formerly used the Island for "seasonal purposes" and now have made it their place of permanent residence. Their listing involves 20 addresses and they state that that may not be complete.

The 1980 Island Residents' Survey shows that 99 of 103 households (96 per cent) on Algonquin Island are occupied by the same individuals on a year-round basis. On Ward's Island 123 of 147 households (84 per cent) fall into the same category.

With respect to term of occupation on both Islands by population rather than by household, the 1980 Island Residents' Survey found that 538 of 622 people (86 per cent) are year-round occupants.

According to Penny Lawler, eight occupants of five households rent premises on the Islands in non-summer months and were, therefore, included in the total number of "year-round" residents. She included them in that category because the majority of these residents live on the Islands in one house for a nine-month period

and, for the balance of the year, endeavour to find accommodation in another house on the Islands.

Term of occupancy for 622 Island residents taken from the 1980 Island Residents' Survey, showing the area and adult-children factors is illustrated in the table below:

<u>1980 ISLAND RESIDENTS' SURVEY</u> <u>RESIDENTS BY YEAR-ROUND AND SUMMER OCCUPANCY</u>					
TERM OF OCCUPANCY	ALGONQUIN		WARD'S		TOTAL
	ADULTS	CHILDREN	ADULTS	CHILDREN	
Year-round	205	65	199	69	538
Summer	7	4	46	27	84
TOTAL	212	69	245	96	622

The table shows that there are 84 of 622 (14 per cent) who are summer residents. It should be noted that 73 of these 84 (87 per cent) reside on Ward's.

"Tenants" and "Owners"

The term "owner" used in the context here describes a person who once held the lease from Metro or someone who purchased the premises directly or indirectly from that person. Consequently, the term "tenant" refers to a person who rents the premises in question from the individual described as an "owner". The 1980 Island Residents' Survey shows that 62 of 250 residences (24.8 per cent) are occupied by "tenants" for all or a part of the year.

The following table has been compiled from the 1973 Toronto Island Residents' Association Survey and the 1980 Island Residents' Survey to determine whether there has been any change in "ownership occupancy" of Island premises over the past seven years:

<u>ISLAND RESIDENTS' SURVEY</u> <u>OCCUPATION BY "OWNERS" AND "TENANTS"</u>						
OCCUPATION OF DWELLING	ALGONQUIN		WARD'S		TOTAL	
	1973	1980	1973	1980	1973	1980
"Owners" only	77	78	108	110	185	188
Staggered: Part- "owner", part- "tenant" occupied	6	1	18	4	24	5
"Tenants" only	22	24	23	33	45	57
TOTAL	105	103	149	147	254	250

An analysis of the figures indicates that a marked shift has taken place, primarily on Ward's Island, in which former "staggered" households have mainly become year-round "tenant" residences. While there were 24 of 254 "staggered" households in 1973, in 1980 there were only five. "Owner" only occupied dwellings have increased from 185 in 1973 to 188 in 1980. However, "tenant" only occupied premises have grown from 45 to 57. Ten of these are on Ward's.

The written submission on behalf of "Summer Islanders" noted that all their households are "owner" occupied. Based upon that information together with data obtained from the 1980 Island Residents' Survey, it appears that 19 of the 188 "owner" occupied households are, in fact, occupied by "summer" residents. Accordingly, 68 per cent of all dwellings are occupied by their "owners" on a year-round basis.

A finding of the 1980 Island Residents' Survey was that 62 of 250 households were "tenant"-occupied. Arthur Thompson, of the Ontario Ministry of Revenue, testified that he reviewed the 1979 Assessment Roll and noted that for 71 of 254 properties, assessment notices and tax bills were being sent to addresses off the Islands. (In 167 cases, tax bills were sent to Island addresses: the remainder were, according to his list, vacant.) Can one assume that 71 households are "tenant"-occupied and that

tax bills are being sent to "absentee" "landlords"? This would mean that only "owners" receive tax bills, which may or may not be the case. In addition, "summer-only" occupants may have chosen to receive their tax bills at another location. There could be other variables. Accordingly, little reliance can be placed on the Assessment Roll figures for determining whether premises are "owner" or "tenant" occupied.

Sarah Miller, a "tenant" living on Ward's Island, testified that she assisted Penny Lawler in the compilation of statistics relating to "tenants". She was able to acquire information (directly or through neighbours) on the types of agreements that "tenants" have with their "owner" landlords in 46 of the total 62 "tenant" households. Arrangements between "tenants" and "landlords" concerning terms of occupancy are classified in the table which follows:

<u>1980 ISLAND RESIDENTS' SURVEY</u> <u>"TENANTS" AGREEMENTS WITH "LANDLORDS"</u>			
TYPE	ALGONQUIN	WARD'S	TOTAL
Verbal	17	17	34
Written	6	6	12
Unknown	2	14	16
TOTAL	25	37	62

Ms. Miller submitted results of the survey concerning monthly rental rates paid by "tenants" of Island homes to their "landlords":

1980 ISLAND RESIDENTS' SURVEY "TENANT" RENTAL RATES			
MONTHLY AMOUNT	ALGONQUIN	WARD'S	TOTAL
\$ 70. - \$100.	6	4	10
101. - 150.	5	11	16
151. - 200.	9	4	13
201. - 250.	4	3	7
251. - 300.	-	1	1
Unknown	1	10	11
No rent but pays upkeep	-	4	4
TOTAL	25	37	62

The lowest rental was \$70. monthly and the highest, \$270. According to Ms. Miller, in a couple of situations "tenants" are also responsible for occupancy compensation or taxes. She added that "...in most cases, all tenants are responsible for renovations on their houses and I don't really know of a case where a landlord pays the labour and improvements to the dwelling".

In the 62 "tenant"-occupied Island dwellings, there are 151 residents. Their age distribution is shown below:

<u>1980 ISLAND RESIDENTS' SURVEY</u> <u>AGE DISTRIBUTION OF "TENANTS"</u>			
AGE	ALGONQUIN	WARD'S	TOTAL
0 - 5	8	8	16
6 - 12	8	16	24
13 - 17	4	4	8
18 - 29	19	20	39
30 - 39	13	30	43
40 - 49	5	2	7
50 - 64	8	1	9
65+	5	-	5
TOTAL	70	81	151

One-half (31 of 62) of "tenant" households have "dependent" children. The area distribution and parental factors are summarized in the table which follows:

<u>1980 ISLAND RESIDENTS' SURVEY</u> <u>"TENANT" HOUSEHOLDS WITH DEPENDENT CHILDREN</u>			
	ALGONQUIN	WARD'S	TOTAL
Single Parent Family	6	10	16
Two Parent Family	8	7	15
TOTAL	14	17	31

Ms. Miller testified also about the number of years that "tenants" have lived on the Islands. A distribution for 61 households surveyed is compiled as follows:

<u>1980 ISLAND RESIDENTS' SURVEY</u> <u>YEARS ON THE ISLANDS BY "TENANT" HOUSEHOLDS</u>				
YEARS ON ISLAND	ALGONQUIN ISLAND	WARD'S ISLAND	TOTAL	% OF 61 "TENANT" HOUSEHOLDS
0 - 5	5	12	17	28
6 - 10	6	9	15	25
11 - 20	6	7	13	21
21 - 30	7	5	12	20
31 - 50	1	3	4	7
TOTAL	25	36	61	101

In Sarah Miller's words: "...a lot of people come to the community as tenants and move around and find a house

where they are comfortable finally. I know from just looking through the statistics that a lot of people who are currently owners or have come to the Island originally as tenants, a lot of them have lived in three or four houses."

The situation relating to year-round or seasonal occupation for "tenant" households, according to the 1980 Island Residents' Survey, indicates that no tenant occupies a dwelling for the summer months only, as reflected in the following table:

<u>1980 ISLAND RESIDENTS' SURVEY</u> <u>YEAR-ROUND AND SEASONAL OCCUPATION</u> <u>BY "TENANT" HOUSEHOLDS</u>			
	ALGONQUIN	WARD'S	TOTAL
Year-round	24	33	57
Non-Summer Only	1	4	5
TOTAL	25	37	62

Relations with Metropolitan Toronto

A significant segment of the evidence called on behalf of the Island residents focused upon problems residents have had with Metropolitan Toronto over the years. This evidence, it seems to me, was designed to show that there are explanations for the lack of repair of homes by Island residents and reasons why, should the community be sustained, Metropolitan Toronto should not act as the landlord of the residents.

Several residents described the difficulties that persons had in transporting building materials and other commodities to the Islands because of Metropolitan Toronto's refusal to grant transportation permits. Correspondence between the Toronto Island Residents' Association representatives and the Metropolitan Toronto Parks Department reveals difficulties in reaching agreement on what materials were acceptable for transportation by the use of "orange carts" or on vehicles which would require permits to cross aboard the Island ferry.

Some of the Island residents managed to overcome this difficulty by various methods, including the creation of the Waral organization which obtained permits for the transportation of bulk materials for a number of residents and through arrangements made with private water taxis to transport building

materials. Waral finally discontinued its operations in 1979 because it could not obtain vehicle permits.

The question of transportation of building materials by ferry remains unsettled. This is reflected in a letter from Mayor Sewell to Paul Godfrey, Metro Chairman, dated October 9, 1980, requesting arrangements for easy transportation of building materials to enable residents to replace combustible materials in Island homes. Mr. Godfrey's response, dated October 15, 1980, was to the effect that a transportation permit was contingent upon the issuance of a building permit by the City of Toronto.

The question of payment of rent or "occupation compensation" by residents to Metropolitan Toronto has also been a controversial issue. Metropolitan Toronto, upon legal advice, would not send out bills for ground rent due as in its view the leases had expired and to require rental payments might compromise its position in obtaining possession of the homes. Ultimately, arrangements were made and Metro began accepting monies in lieu of rents from the residents, providing certain conditions were met. The whole area has been a source of friction. An end result can be seen when a comparison is made of the payment performance by the residents of realty taxes (to the City of Toronto) on the one hand, and occupation compensation (to Metro) on the other.

Another irritant between Island residents and the Metropolitan Parks Department revolves around the question of bus and ferry movements in winter months. The Metropolitan Parks Department has two alternate schemes available when the "Ongiara", (the ice-breaking ferry), is not able to dock at Ward's Island, or is unable to operate altogether. Residents have felt that last-minute changes of ferry schedules should have been conveyed to them. At one point there was communication by a Metro Parks employee with Kay Walker, an Island resident, who looked after advising other residents of changes in schedules by CB radio. This contact has been discontinued. Other concerns relating to the number of buses used, their departure times in the morning and locations of bus stops have been discussed between the Metropolitan Parks Department and Island residents and seem to have been resolved. An issue still outstanding is the use of the "Maple City" (Island Airport ferry) which operates only until 9:30 p.m. in the winter months and which Island residents claim to be an unfair burden. Also, the "Maple City" has a current passenger size of 40 people, resulting in residents being left behind. The residents claim that the Metropolitan Parks Department is unwilling to take any initiative to see about working out an improved level of service.

A cause of hostility in Island residents against Metro has its source in the flooding which occurred in 1973. One resident stated it was not a serious difficulty and merely a temporary inconvenience. It was alleged to be more of a political problem, as Metro would not assist residents in transporting sandbags from the south shore of Ward's to the north shore and went so far as to "confiscate" some sandbags received from the Metropolitan Toronto and Region Conservation Authority for a couple of days. The Metropolitan Parks Department view is that they did try to alleviate the problem by providing protection to a particular dwelling and by arranging for the Harbour Commissioners to divert some 100,000 cubic yards of fill to the south shore of Ward's Island.

The Commission heard evidence from a representative of Bell Canada that Bell was unable to do maintenance work on Ward's Island because the Metropolitan Toronto Parks Department required payment for an easement to enable the work to be done. This testimony was heard near the end of our formal hearings after all witnesses from Metro had testified and I am not, therefore, able to report Metro's position on point.

EXTERNAL FACTORS

1. DEMOGRAPHIC CHANGES
2. HOUSING SITUATION
3. ENERGY CONSIDERATIONS
4. OTHER ATTRACTIONS

Demographic Changes

It was put to this Commission that the population of Metropolitan Toronto is not increasing as earlier projected. The theory behind this submission is that if the population is not growing as was expected, the parkland needs are not as great. Commission Counsel, accordingly, called evidence on demographic projections.

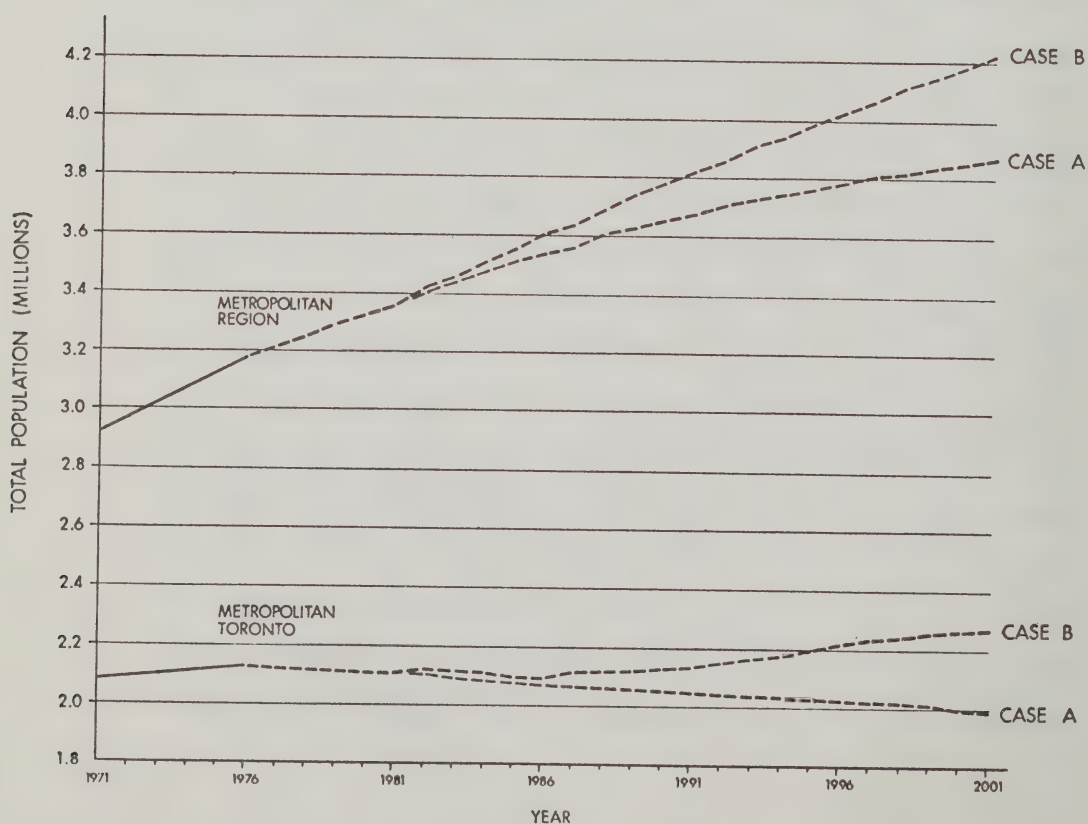
Simon Chamberlain, Programme Manager-Research of the City of Toronto's Planning and Development Department, testified on population trends. He stated that population projections made in the 1950's for 1980 were "remarkably close", but that in the 1960's and 1970's, projections were revised upwards through to the end of the century and those projections have proven to be "very over-optimistic". During his evidence, a document entitled "Toronto in Transition: Demographic Trends in the Toronto Region" published in April, 1980 by the Policy and Research Division of the City of Toronto Planning and Development Department, was filed. The "Toronto Region" is defined as comprising Metropolitan Toronto and the surrounding Regional Municipalities of Durham, Halton, Peel and York. It is stated in that report that conditions governing population trends at the regional level have changed considerably over the 1970's due to lower birthrates and migration. In addition, the available stock of housing determines where people will locate and, because of the limited growth of housing stock within Metropolitan Toronto, the

surrounding regions are now providing for most of the excess housing required in the Region. Most of the population growth in the surrounding region is a result of out-migration from Metro. Current projections suggest that the population of the Toronto Region will increase from 3.18 million in 1976, to between 3.55 and 3.67 million by 1986, and to between 3.87 and 4.30 million by 2001. These projections are well below those anticipated by planners during the last decade.

John Bower, Commissioner of the Metropolitan Toronto Planning Department, gave evidence about studies relating to population undertaken by his Department. During his testimony, a document called "Projections of Population and Labour Force for the Metropolitan Region", published by the Research Division of the Metropolitan Toronto Planning Department in September, 1980, was filed. A number of assumptions were used in that report and they concerned fertility rates and migration. These assumptions were agreed upon by Provincial officials, school boards and the City of Toronto. The report suggests that the population of Metropolitan Toronto has stabilized and will not change significantly over the next two decades. It is expected that the population will be between 2 and 2.3 million by 2001. With respect to the Regional Municipalities of Durham, Halton, Peel and York, it was felt that the population will continue to grow and, by the year 2001, will be somewhere in the range of 1,897,000

to 1,946,000, as compared with the 1976 population of those four Regions which was 1,252,000. Mr. Bower confirmed in his testimony that the population of the Regional Municipalities surrounding Metro will experience "substantial growth". His forecast regarding the surrounding region and the apparent stabilization of the population of Metro itself is graphically illustrated in the following chart, copied from the Metro document entitled "Projections of Population and Labour Force for the Metropolitan Region":

Figure 5: TOTAL POPULATION, METROPOLITAN TORONTO AND METROPOLITAN REGION, 1971, 1976. TWO ALTERNATIVE PROJECTIONS, ANNUALLY, 1977-2001.



Better to understand the graph immediately above, it should be noted that "Case A" reflects low fertility rates and medium net migrants. "Case B" reflects medium fertility rates and high net migrants.

Housing Situation

An argument raised in favour of retention of the Island homes is that Island residents would have great difficulty relocating on the mainland in view of the housing situation. Evidence on the cost and availability of accommodation in the City of Toronto and in the Metropolitan Toronto area and environs was heard.

Testimony was elicited from representatives of the City of Toronto Housing Department, more specifically from Richard Peddie, Director of that Department's Planning Division and Keith Ward, a Project Planner of the same Department. A number of documents were filed embracing statistics of the City of Toronto's annual housing targets and achievements; average rents; vacancy rates; and information on "Cityhome", a separate non-profit housing corporation which purchases land and property and manages it for low and moderate income tenants. Also filed were statistics from the Canada Mortgage and Housing Corporation dealing with the "Toronto Census Metropolitan Area".

In Mr. Peddie's view, the rental situation in the City of Toronto is "absolutely abysmal" due to two factors. He cites these as being that additions to the supply of rental housing are "rapidly drying up" and the cost of rental accommodation is "rising fairly rapidly". While the actual achievements in the creation of housing in the City of Toronto for 1979 were greater than the targets projected, there has been a decrease in financing and construction

of low income housing. The average rent increase from 1978 to 1979 for some 50,000 units surveyed by Canada Mortgage and Housing Corporation has been approximately nine per cent.

According to Mr. Peddie's evidence, vacancy rates for rental accommodation in the City of Toronto have been low, hovering around the one per cent mark for the last five or six years. From the viewpoint of economists, he claims a healthy functioning market would be between a three and four per cent vacancy rate.

Evidence was also heard from Nicholas Kristoffy, Director of the Management Planning and Evaluation Branch of the Policy Secretariat of the Ontario Ministry of Housing. He was able to provide information on the greater Metropolitan area. It was his evidence that from 1978 to 1979, the median rent increase for Metropolitan Toronto was 5.9 per cent, with 20 per cent of the premises having no increases at all. He told of a decrease in rental housing construction caused by to-day's costs and interest rates, making private development uneconomical. Provincial and Federal Government programmes aimed at the construction of new apartment units at reasonable rental rates have been in effect to bring rents down to the market level.

Regarding the purchase of a home in Metropolitan Toronto and the regions bordering, Mr. Kristoffy stated that there is a fairly wide availability. He was asked

to consider the availability of affordable housing and testified that from a 10-year perspective, given the rise in incomes and in property prices, houses in 1980 were only marginally more expensive than they were a decade ago. In his view, the question of mortgage interest rates has a substantial effect on the affordability issue. The 10-year perspective was completed at a time when the mortgage interest rate was 12 per cent.

The prospect of obtaining suitable housing accommodation for displaced Island residents has been explored by the Municipality of Metropolitan Toronto. According to Robert Bundy, Metro's Parks and Property Commissioner, the Social Services Department of Metro has a "very large stock of senior citizens dwellings" and his Property Division at the time he testified had 323 properties. Some of these could be set aside for families requiring housing assistance. In fact, Mr. Bundy told the Commission he had set aside, in June of 1980, 34 properties to house Island residents in contemplation of the writs of possession being executed.

The 1980 Annual Report of the City of Toronto Housing Department (August, 1980) has a telling title: "Vanishing Options: The Impending Rental Crisis in Toronto". The two serious problems facing the housing market in Toronto, according to that document, are the falling production of moderately priced housing of any description and the

poor potential for private rental development of any form.

Certain exhibits were filed dealing with policies of the Government of Ontario in respect of renovation and renewal of existing housing resources. In the opening address (June 9, 1980) to the conference known as "Ontario Renews: Action For The '80s", the Honourable Claude F. Bennett, Minister of Housing, outlined the primary objectives that his Ministry would undertake to assist individuals, municipalities and industry in their renewal efforts. These objectives include: the encouragement of housing renovation throughout Ontario; the encouragement and assistance of homeowners in upgrading their properties to meet local minimum health, safety and structural standards; and the support of municipal renewal efforts where communities have demonstrated a strong commitment and leadership in the revitalization of older residential and downtown areas.

Energy Considerations

A factor which may not have been that important some 25 years ago but which is clearly an issue today, is the concern of energy sources which may be affecting tourist trends now or in the future. A number of persons who spoke at the public informal hearings or wrote to the Commission by way of informal submissions, mentioned this as an argument in favour of developing the whole of Toronto Islands as parkland. Various witnesses, including representatives from the yacht clubs and concessionnaires of the Toronto Islands, mentioned the energy issue as something which is or will be contributing to more of a "stay-at-home trend" for recreation. Frank Wolman, an expert on tourist trends, indicated this as a factor in analyzing increased use of attractions in the Metropolitan area.

Peter Victor, an economist called as a witness on behalf of the City of Toronto, testified that the real price of gasoline, that is relating the price to income in 1980, has not even reached the price paid for gasoline in 1950. However, he did mention that while Canada has protected its consumers to some extent from world events by keeping the Canadian price of oil well below the world levels, it is only reasonable to expect in the next several decades a price increase in real and nominal terms. His view is that even if there is an increase in the real price of gasoline, the percentage

of average income required for a given quantity would still not reach the level it was in 1950. In addition, his view is that the prospects for increased fuel economy in automobiles are such that there will be methods to counteract the impact of rising gasoline prices.

Dr. Victor did agree that, despite his analysis of the real price of gasoline in 1980, the important question is how the public perceives the cost of gasoline. The witness was unable to provide the Commission with any information on studies done relating gasoline costs to tourist trends.

Other Attractions

Evidence of an increasing visitation to waterfront parks created by the MTRCA and to the Harbourfront Project was before the Commission.

Frank Wolman, for some time a consultant specializing in tourism, testified on statistics compiled by his firm on the Metro attractions industry. He is involved in receiving monthly records kept for selected attractions of such places as the CN Tower, Ontario Science Centre, and Harbourfront Project. In comparing the 1979 figures with those in 1978, he saw a substantial increase in attractions. When looking at the 1980 figures then to date, he indicated that the total attendance was up once again. He rendered the opinion that because hotel occupancy rates have not risen to the same extent, the increased usage of attractions would not be attributed to out-of-town visitors, but rather to a tendency on the part of persons to stay at home and make use of local attractions. Mr. Wolman saw inflationary factors, an uncertainty about fuel in the United States, the value of the Canadian dollar, increased promotional effort on the part of local attractions, and increased gasoline prices, as the causes for enhanced use of facilities that attract people for recreational purposes.

POSITIONS

1. ELECTORAL SITUATION
2. METROPOLITAN TORONTO
3. CITY OF TORONTO
4. AT QUEEN'S PARK
5. RESIDENTS OF TORONTO ISLANDS

Electoral Situation

Looking at the municipal context, the Toronto Islands are situated within Ward 6, one of 11 in the City of Toronto. The City of Toronto is an area municipal component of the Municipality of Metropolitan Toronto, the other members being the City of North York and the Boroughs of East York, Etobicoke, Scarborough and York.

At the Provincial level, the Toronto Islands are part of the constituency of St. Andrew-St. Patrick. In the Federal sphere, the riding of Rosedale embraces the Toronto Islands.

Most of the elected representatives having the Toronto Islands within their constituencies made oral representations to the Commission at its informal hearings.

Municipally, submissions were made by then Mayor John Sewell of the City of Toronto and by his successor-to-be, Art Eggleton. Of the two Aldermen representing Ward 6 at the time of the hearings, the Commission heard from one, namely Allan Sparrow. Alderman Dan Heap did not participate. Each ward has two elected trustees to the Board of Education. Trustees Joan Doiron and Bob Spencer, both representing Ward 6, made a joint presentation.

Aside from then Mayor Sewell, now Mayor Eggleton and former Alderman Sparrow, all at the time members of Metropolitan Toronto Council, the only other member of Metro Council to make a submission was former Controller and Deputy Mayor of the City of North York, Barbara Greene.

Provincially and Federally speaking, submissions were made respectively by David Crombie, Member of Parliament for Rosedale, and by the Honourable Larry Grossman, Member of Provincial Parliament for St. Andrew-St. Patrick.

It should be noted in passing that all of the elected representatives whose constituencies include the Toronto Islands and who made oral submissions, were supportive of the retention of the Island residential community. Going a step further, every elected official who made oral submissions to the Commission, no matter what his or her constituency, was in favour of such retention. The majority of the members of Metro Council (at least in the 1979-80 term) supported the conversion of the residential community to parkland, but none of those voting with the majority made oral submissions.

An outline of the content of the submissions of those officials who do, or who did at the time of the hearings, represent the "Islands constituency" is warranted here.

Former Mayor John Sewell appeared before the Commission at its inaugural public meeting. Although he made no policy submissions, his position was made well-known to the Commission through the "Sewell Proposal", adopted by Toronto City Council on May 14, 1980. That proposal, if it were implemented, would see not only the sustainment, but also the improvement

and expansion of the Toronto Islands residential community.

Now-Mayor Art Eggleton (then Alderman and President of City Council) asserted that while the 1955 decision to develop the Islands for parks purposes only was perhaps right for that year, it was not right for to-day. In the intervening 25 years, he said, we have seen changes in attitudes and values, critical shortages of housing development, changes in patterns of recreation life, and the development of many other parks and recreation facilities on the waterfront and throughout Metropolitan Toronto. He maintained that it would be a mistake to eliminate the community and offered the following suggestions:

1. I would recommend that the area of land now occupied by residential dwellings not be increased beyond its current acreage.

I believe that there is a healthy balance between residential and park acreage on the Islands, and that balance should not be altered.

2. I believe that the natural character of the Islands should be maintained, and that no further development in park areas should be pursued. As well, the character of the development in existing residential areas should be closely scrutinized to ensure a blending with the natural surroundings.

3. I would like to see the main criterion for residing on the Islands being that of 'year-round' occupancy. I do not see the Islands becoming a fancy area of expensive summer homes limited to people of one income level or social group.
4. The first priority for any re-development of housing on the Islands should be that of a mix of housing opportunities. The community should contain private housing, public housing, and co-operative housing to allow the continuance, and the encouragement, of a vibrant neighbourhood.
5. In terms of any redevelopment which might occur on the Islands, the long-time residents should be considered first. A minimum of two years residency could be the qualifying factor or cut-off point, and any additional available housing should be put on the open, private market. All redevelopment programs should fit into the overall balanced plan for the community.
6. In terms of the fifth point, all houses on the Islands should be inspected to determine their conformity to building and health standards. Those which can be repaired or restored should be restored, and others demolished, with provisions for replacement housing conforming to a balanced plan.

Allan Sparrow, then Ward 6 Alderman, emphasized the overwhelming support that he has found in Ward 6 for the preservation of the Island community. He spoke of constituents who are regular visitors to the Islands and value the vitality generated by the community. He offered

his opinion that the Island community functions as the best neighbourhood in the downtown core, despite the fact that it has been the most threatened over a prolonged period of time. Mr. Sparrow stated: "It is clear to me that it is the safest community in the downtown in respect to personal safety, it is the most pollution free, it is the one neighbourhood where you see more co-operative ventures taking place between people who live in the neighbourhood, whether it's child care or purchasing food or renovations of homes." He believed that Metro's plan to utilize the Islands solely for parkland is based on a planning philosophy that has been discredited in the last two decades. He maintained that urban planners have found that segregating uses to specific sections of a city does not work and that using areas for multiple purposes is much more successful.

Joan Doiron and Bob Spencer, the two Ward 6 Trustees of the Board of Education for the City of Toronto, expressed their strong support for the retention of the Island homes because they are in the school community in their downtown ward which most ideally serves its children. They maintained that the Island community "provides affordable family housing in an environment which is virtually ideal for the raising of children". They presented the following as some of the reasons the Island community is "near-perfect":

- * The cost of housing on the Island has attracted a significant number of lower income parents.
- * Children are free of the dangers of auto traffic and the attendant air and noise pollution which threaten other downtown children (hundreds of whom are injured every year from traffic accidents).
- * Island children have immediate access to extensive parkland with its aquatic and wildlife resources.
- * The Island community is crime-free - a closely-knit community of which children are an integral part.
- * Island children have the overwhelming advantage of parents and a school community which are directly involved in creating an effective learning environment - witness the strong Home and School Association, the weekly publication of "The Gibraltar Pointer", the many well-attended after-school and night school programmes, etc.

The Honourable Larry Grossman, Member of the Legislature for St. Andrew-St. Patrick, stated that he hoped that the Commission's role would be to "assess all of the issues objectively and on the merits, devoid of the personalities involved, and to have provided an opportunity to, for the first time, catalogue all the facts and all the costs, and make sure that every one of us is equitably treated". He argued that the times have changed since Metro decided that the Islands should

be used solely as parkland and that governmental decisions should reflect those changes.

The community is important according to the Minister, simply because "it is another one of those many unique neighbourhoods that makes up this great City"; it adds some colour and diversity to our City and the Islands in particular"; and "it adds a sense of security and warmth to the Islands, that simply could not exist if the community were not on the Islands". He suggested that the first stage of the Commission's decision must be whether there should be a community or not, and secondly, to determine the goal of having a community on the Islands. He stated his belief that the goal should be to maintain a community with many of the attributes of the existing one.

Mr. Grossman took a turn at refuting two arguments made against permitting the Islanders to stay: that it would be somehow inequitable to allow people the "special privilege" of living on the Toronto Islands; and that it would also be inequitable to allow the Islanders (pre-1973 or post-1973) to stay while other Islanders left voluntarily to obey the laws and wishes of Metro. In respect of the special privilege question, he wondered how many people do want to live on the Toronto Islands and are being denied the right to do so. His view is that only a certain type of people opt for a lifestyle "that requires a ferry service to get to work or to the supermarket or to a corner store and entertainment". He suggested that few Torontonians

would want a "cottage-type style of housing, and fewer still would want to brave the unsheltered cold and wind of mid-winter". While the Minister conceded that some would want to exchange their homes and apartments for a permanent Island home, to those people he would say that the special privilege of the Islanders "is hardly more special than that enjoyed by those who live, and let's just take some examples, of the Scarborough Bluffs with its exciting view, Rosedale, Forest Hill,...Kensington ... (with) its diversity and uniqueness as a neighbourhood". Rhetorically, he asked if it was more a special privilege to live on the Toronto Islands than to live in one of the planned communities around Metro, at Erin Mills in Mississauga, providing community facilities that are surely unequalled in older communities throughout the Metropolitan Toronto region. Mr. Grossman said that he took some objection to those who say somehow it is owed to those who left voluntarily to go ahead and destroy the remaining homes. He gave the Allen Expressway as an analogous example. "Surely, no one can argue we now owe it to those people to continue to destroy homes all the way down to Bloor, simply because those people left and had their homes taken away?" The system in which we live, he suggested, works on the principle that the remuneration paid for the expropriated properties from residents restores the inequities to that person. So the argument goes that each former resident has been duly compensated for his or her property rights and, therefore, cannot claim to have been unfairly treated. He would not

deny that many of the former residents would prefer to have their homes or cottages back, than the money they received, but stated that while many laws are drafted to seek equity, they cannot, by definition, offer total equity.

David Crombie, MP for Rosedale and himself a former Mayor of the City of Toronto, opposes the decision in 1955 to exclude residential uses on the Toronto Islands and opposes any solution by which the community would be eliminated over a period of time. He contended that the community was socially stable, relatively crime-free and one which had "an incredible community spirit which has been demonstrated as an act of survival for over 20 years". Mr. Crombie stated that history itself is important and the mere existence of a community for a length of time takes on an importance all by itself. He contended that both the planning context and the physical context had changed since Metro decided to convert the Islands to parkland. Metro's decision was to create a separate use for the Toronto Islands and, Mr. Crombie stated, City planners have come to realize that the City functions best by mixed uses, not by separated uses. He maintained that there has been a tremendous increase in the amount of parkland accessible to Metro residents, making unnecessary the conversion of the Islands community to parkland.

In conclusion, Mr. Crombie suggested to the Commission that the most fruitful course to explore was "the one which returns the Islands to the place where it has always been: four uses, residential, recreation, wildlife and park. It served the City for at least seven generations and it ought to continue to do so".

Metropolitan Toronto

As noted, the Municipality of Metropolitan Toronto did not officially participate in the proceedings of this Commission. Although I had the authority to compel the attendance of witnesses, I could not, nor would I have wanted to, force Metro to be represented. Consequently, every effort was made to achieve a balanced perspective.

Metropolitan Toronto obviously had a position and it was vital that it emerge. Susan Himel, Commission Counsel, strived to bring out the full and comprehensive picture, with due regard to Metro's apparent position.

The minutes of relevant Metro Council meetings were considered and the testimony of senior officials of Metro was heard in order to learn and evaluate the position taken by the Metropolitan Corporation. Commission Counsel has requested that I make special reference to the unrelenting co-operation of two Metro officials in particular: Robert Bundy, Commissioner of Parks and Property, and Christopher Roberts, the Deputy Parks Commissioner. Each of them provided invaluable information of the history of Metro's involvement with the Toronto Islands and its plans for the future.

Metropolitan Toronto, in the past several years, has consistently taken the position that the residential areas of the Toronto Islands should be converted to parkland. This is in keeping with the terms of the legislation under which the Islands were passed to Metro in 1956. Metro's mandate is clarified by that legislation which provides that the land is to be transferred back to the City of

Toronto if it is not used for parks or recreational purposes.

Over the years, Metro has made a number of attempts to evict the Toronto Island residents. Ultimately, on the eve of the eviction process, after the Island residents had announced that they would go no further in the Courts, it was only by an Act of the Ontario Legislature that the process was temporarily suspended.

While it is true that Metro has acted on majority decisions of its Council, it is instructive to examine just how strong that majority was when the matter was last fully debated in Council.

At what could be described as a marathon meeting held on February 26 and 27, 1980, Metro Council had before it the following amended resolution introduced by John Sewell, then Mayor of the City of Toronto, and seconded by Gus Harris, Scarborough Mayor:

BE IT RESOLVED:

(1) That the Metropolitan Council agree to transfer to the City of Toronto on or before October 15, 1980, for compensation to be agreed upon, Wards Island east of Pontiac Avenue, and Algonquin Island for uses as determined by City Council, ensuring public accessibility to the water's edges and beaches;

(2) That the compensation payable by the City to Metropolitan Toronto be recommended to the Metropolitan Council and to City Council jointly by the Metropolitan Chairman and the Mayor of Toronto, such compensation to take into account, among other things, such matters as the cost incurred by Metropolitan Toronto in assuming the lands being transferred; capital expenditures and costs outstanding; operating costs; and if compensation cannot be agreed upon by the Metropolitan Chairman and the Mayor of Toronto then those individuals report on a process for its determination;

(3) That the Metropolitan Chairman and the Mayor of the City of Toronto report back no later than the end of June 1980 and officials report contemporaneously in respect of giving effect to the foregoing, and in the interim Metropolitan Toronto take no further steps to enforce the Writs of Possession; and

(4) That the Province of Ontario be requested to make any necessary amendments to The Municipality of Metropolitan Toronto Act to give effect to the foregoing.

(5) And further, that the City consult with all relevant parties including the Metropolitan Toronto and Region Conservation Authority, the Metropolitan Department of Parks and Property, and the Metropolitan Department of Social Services, and report back no later than the end of June, 1980, on a plan that among other things:

- (a) protects park amenities;
- (b) accommodates residential uses and discusses problems of tenure;
- (c) accommodates senior citizen housing and the funding thereof;
- (d) improves hard services.

As indicated by Minute No. 70 of this meeting, Metro Council voted in favour of receiving Mr. Sewell's resolution together with the following amendment:

and that if a Bill similar to Bill 153 [popularly known as the "Attrition Bill"] is not enacted by the Provincial Legislature and brought into force by June 30, 1980, that the Metropolitan Solicitor be instructed to have the Writs of Possession enforced as soon as possible.

The actual vote was split by a margin of 18 to 15, a majority of three. A record of the division of the vote by membership according to the area municipality represented is as follows:

AREA MUNICIPALITY	IN FAVOUR OF MOTION	OPPOSED TO MOTION	ABSENT
TORONTO	Frederick Beavis Joseph Piccininni	Gordon Cressy Ying Hope Anne Johnston June Rowlands Patrick Sheppard Allan Sparrow David White John Sewell	Art Eggleton Tony Ruprecht
EAST YORK		Alan Redway David Johnson	
ETOBICOKE	Dennis Flynn Morley Kells Nora Pownall Bruce Sinclair William Stockwell		
NORTH YORK	Milton Berger Irving Chapley Norman Gardner Irving Paisley Esther Shiner Robert Yuill	Barbara Greene	Melvin Lastman Betty Sutherland
SCARBOROUGH	Brian Harrison Carol Ruddell	Gus Harris Frank Faubert Joyce Trimmer John Wimbs	
YORK	Gayle Christie Fergy Brown Alan Tonks		
TOTALS	18	15	4

An earlier vote taken at the same meeting dealt with an attempt to have the Islands issue referred for the appointment of a joint Metro-City committee. Particulars of that motion are as follows:

Mr. Johnson, seconded by Mr. Cressy, moved that the foregoing motion by Mr. Sewell, seconded by Mr. Harris, be referred to the Metropolitan Chairman and the Mayor of the City of Toronto to appoint a joint committee of six--three from Metro and three from the City of Toronto, to work with the appropriate staff for the determination of specific conditions suitable to the

Metropolitan Corporation and the City of Toronto, for the transfer of portions of Ward's Island and Algonquin Island to the City of Toronto, and to include consideration for:

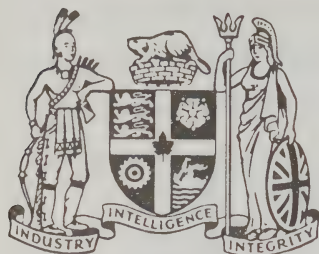
- the price of the transfer;
 - on-going charges including ferry service;
 - protection for parks property and facilities;
 - senior citizen housing and/or vacation housing;
 - residential housing;
 - hard services including sewers and water supply,
- the Metropolitan Chairman and the Mayor of the City of Toronto to report back no later than June, 1980.

This motion was defeated by a margin of one, the vote being 17 against and 16 in favour. All 17 who voted to defeat this motion (joint committee) voted in favour of the later motion (eviction if no Provincial legislation) which was carried. The swing voter was Allan Tonks (York) who voted in favour of both motions.

What conclusions am I able to draw from these votes? I am certainly able to say that the members of Metro Council, at least at the time of these votes, were far

from unanimous in what they were willing to see happen to the residential community on the Toronto Islands. Both of the votes had significance and they must be looked at together. I think one can safely conclude that although a small majority voted (failing Provincial action) to evict the Islanders, a significant minority were willing to support the development of a plan which could well have resulted in the continuation of a residential use on the Islands.

I note that the recent municipal elections have brought a new Metro Council. At the time of writing, the Islands question has not been before it.

City of Toronto

At the commencement of the case for the City of Toronto, reference was made to the City's position by its Counsel, Mr. John Rook.

It is the position of the City that there should be a permanent community on Ward's and Algonquin Islands and that the present community should be preserved.

The City submits that Ward's and Algonquin Islands should be transferred to the City of Toronto to be owned by the City of Toronto and, subject to further deliberation by the City in the future, in general the lands should remain in the public domain.

With reference to zoning of the lands, the City would like it to permit residential uses of a type and character compatible with the Toronto Islands and, in particular, the park immediately adjacent to the present community.

Next, the City should be permitted to install or improve any existing services on the Toronto Islands with particular emphasis to be placed upon the installation of a force main sewer line on Ward's and Algonquin to be connected to the existing sewer system on the parkland, and this should be done as soon as practically possible.

The City is of the view that it should be permitted to determine the form and size of the community, subject to two broad general constraints. Firstly, whatever the

form and size of the community, it should be structured so as to minimize any adverse impact on the rest of the Islands. Secondly, the actual size of the community in terms of the numbers of people need not be definitely stated by this Commission, but the City urges that the Commission recognize that it has in mind a community of a size at least as big as it is at present and probably no more than double its present size.

Administration of the community, as the City sees it, should be under the auspices of the City of Toronto. The expenses of operating the community would be borne by the City of Toronto.

Concerning the form of land tenure, the City seeks from this Commission some recommendations in terms of broad principles, but is not looking for specific terms as to what would be included in, for example, leases that would be granted to homeowners. In general terms, the City envisages that it would grant ground leases for the actual land. The homes would be owned by the occupants except in those cases where the City, having gone through a planning process, determined that it wanted to own some of the houses itself and possibly rent them or, alternatively, possibly providing some form of condominium ownership or co-operative housing. (Any ownership would be restricted to the improvements and exclude the land.)

Dealing with profiteering, the City is of the opinion, subject to a detailed examination, that this can probably be avoided generally in one of two ways. One approach would involve some form of co-operative housing project wherein the buildings, albeit owned by the occupants, would be bought and sold through a housing co-operative. The other way would entail a corporation to be managed by a body, such as the City of Toronto, much like exists at the present where the occupants in selling the building would do so to the City on the basis of a formula which would take into account the depreciated replacement cost of the building.

Recognizing the unique character of the Islands, the City seeks from this Commission recommendations regarding the length of the term of the leases to be granted by the City. Having regard to the nature of the services the City seeks to install on the Toronto Islands, it wishes a long-term lease, "but not in excess of 50 or 60 years".

There is a question of the precise boundaries of the lands the City seeks to have transferred to it. In Mr. Rook's opening, he made reference to the inclusion of Algonquin Island with the excision of the existing yacht club (the QCYC, at the eastern end), and to Ward's Island, east of the Algonquin Island Bridge. In doing so, he referred to the acreage contained in a specific exhibit. That exhibit is a copy of Report No. 26 of the City of Toronto Executive Committee, adopted with certain amendments

by Toronto City Council at a special meeting held on May 14, 1980. The report in question embodies what has become known as the "Sewell Proposal" and I examine it in some detail later in this section. For the moment, however, it appears from the plan contained therein and reproduced below that the lands the City contemplates would be transferred would include some acreage to the west of the Algonquin Island Bridge.



The plan shows that Toronto City Council was actually referring to that part of the Ward's Island area which is demarcated by a line at its western limit roughly representing the continuation southward of the westerly boundary of Algonquin Island. In any event, Mr. Rook stated that the area sought by the City "on no account should be larger than that".

During final submissions, in referring to the possibility of his client administering a continued residential community on the Islands, Mr. Rook submitted that there might be difficulty in respect of the installation of services if the City of Toronto leased the land from Metro. As I understood him, the difficulty relates to the lessee installing the services on the landlord's property. Using a sewage system as his example, he said its installation could be accomplished by agreement, but in default thereof, resort would have to be had to expropriation pursuant to subsection 5 of section 336 of The Municipal Act. I have examined that subsection and it provides that a municipality that has authority to expropriate land may, with the approval of the Ontario Municipal Board, exercise this authority in respect of the land of another municipality. His concern was that the City could be frustrated if no agreement were reached with Metro, as it would have to seek approval of the Ontario Municipal Board and even then, if successful, would be required to undergo the process under The Expropriation Act. He expressed concern about the consequent delay.

Mr. Rook described another reason why the City should not be the lessee, but rather the owner, as "the conceptual problem that might arise with respect to what powers exist under the terms of the lease". He spoke of a lease in the order of 25 to 50 years' duration (as opposed to, say, a

99-year lease) carrying with it a situation wherein "the lease concept is much more to the fore in the minds of the parties".

Returning to the topic of length of leases to be granted by the City, Mr. Rook later said that he had no serious quarrel with a suggestion by Mr. Peter Atkinson that the minimum term be tied to the expiry of the yacht club leases (July 31, 2005). He added that the term could easily be in the order of 30 to 35 years.

During the course of the formal hearings, Mr. Rook advised that it was not the intention of the City, should the residential community remain, to seek special levies for the installation of services. In his words:

It will be no part of the City's position that the services that are required to be installed should the community remain, could be in any way paid for by the residents who live on the Island now or any that might be contemplated to move there should there be some sort of infilling, or something of that sort.

When I say that, I mean in the sense that should there be a community on the Island in the longer term, the necessary infra-structure that would have to be installed, including sewers, lighting, sidewalks, et cetera, would be well in excess of \$2 million, and there would simply be no way that the individual homeowners on the Island could pay for that except over a very, very long period of time.

The "Sewell Proposal" involved the offering of \$750,000. to Metro as the purchase price for the transfer to the City of Toronto of certain lands on the Toronto Islands. These lands were described as

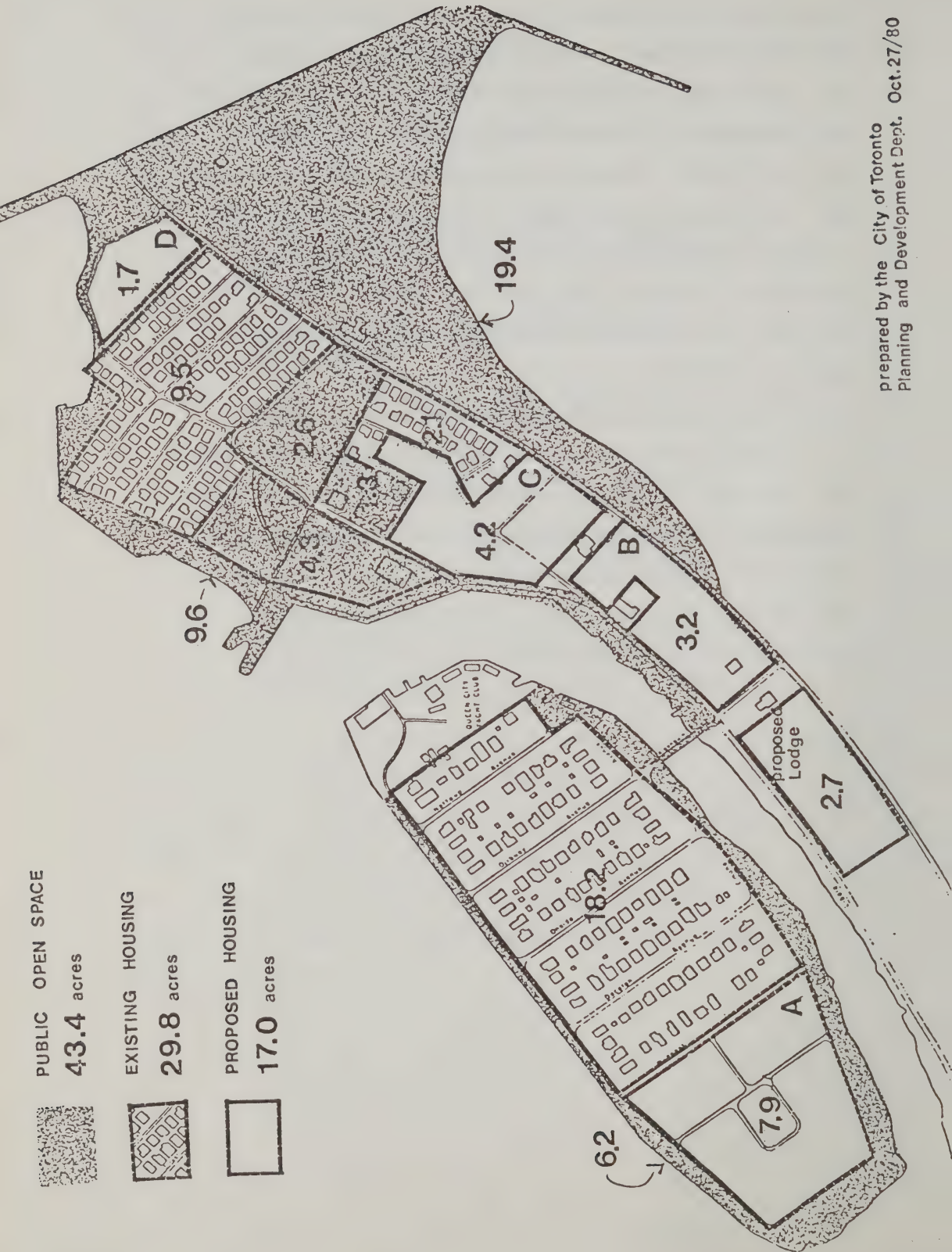
being comprised of the area of Ward's Island east of Sunfish Cut and Algonquin Island (including the lands upon which the QCYC is situate). It was stated that any plan was tentative until it was finally implemented. The plan was designed to meet the following objectives:

1. To protect sensitive environmental areas on the Islands while ensuring maximum enjoyment of the environment by visitors and residents.
2. To protect and enhance parkland, and recreational facilities for residents and visitors.
3. To retain existing houses which are capable of being economically renovated.
4. To make efficient use of hard and soft public services such as water, sewage, fire, transportation and security.
5. Where feasible and in keeping with the above objectives to provide new housing in keeping with the Island setting.
6. To provide a lodge for the use of both Metro residents who may be sponsored by social agencies for short vacations, the general public on an economic basis, and small meetings and conferences.

Involved in the proposal were 230 additional housing units and the construction of a 100-room lodge accommodating paying overnight visitors and groups of people sponsored by social agencies for vacation periods. It was contemplated that the housing units would be a mixture of private, co-operative and non-profit housing, all on leased land.

In his final submission, Mr. Rook stated that the "Sewell Proposal" was brought about to "advance the cause" and it was not his position that it was the "last word" on what should be done. He added that the "Sewell Proposal" is an "acceptable scenario but the City is not attempting to convince you ... that it has to be the 'Sewell Proposal' or nothing". He continued by stating that the first objective of the City was to maintain the community in its present form, with consideration being given to augmenting the residential lands for flexible planning.

In this connection, reference was made by Mr. Rook to a map supplied by his witness Robert Millward, Deputy Commissioner, Planning and Development Department, City of Toronto. That map appears to me to be drawn from the "Sewell Proposal" and simply marks acreages thereon. It is reproduced on the following page:



The map shows four areas of potential additional housing in an expanded community, totalling some 17.0 acres, aside from the proposed lodge site. As a matter of interest, the "Sewell Proposal" actually contained a plan showing possible arrangement of housing. That plan is shown below:

PLAN SHOWING POSSIBLE ARRANGEMENT OF HOUSING

Note: Each shaded rectangle represents two dwelling units i.e. the equivalent of a pair of semi-detached houses, each semi on a lot approximately 20 ft x 90 ft

Scale 0' 100' 300' 500'



Mr. Rook related that the City of Toronto, regarding any sustained community, would want flexibility with respect to the replanning and relocating of houses should that prove necessary and desirable. He conceded that that would not require the entire 17.0 acres in Mr. Millward's plan. He went so far as to suggest that some of the four marked areas comprising the acreage in question be considered for the purposes of replanning and relocation.

In similar manner to the examination of the last substantial dealing with the matter by Metro Council, I look now to the treatment of the Islands issue by Toronto City Council.

At the special meeting of City Council which took place on May 14, 1980 to consider the "Sewell Proposal", in amended form that plan was adopted by a majority vote, the score being 16 to 6. The proposal was then confirmed by By-law No. 456-80, passed at the same meeting. Details of the recorded vote on the proposal are contained in the following table:

		IN FAVOUR OF PROPOSAL	OPPOSED TO PROPOSAL	ABSENT
		Mayor John Sewell		
WARD	1	David White	William Boytchuk	
	2	Tony Ruprecht Barbara Adams		
	3	Richard Gilbert	Joseph Piccininni	
	4	Art Eggleton	Tony O'Donohue	
	5	Ying Hope Susan Fish		
	6	Allan Sparrow Dan Heap		
	7	Gordon Cressy Janet Howard		
	8		Frederick Beavis Tom Clifford	
	9	Pat Sheppard	Thomas Wardle	
	10	Andrew Paton		June Rowlands
	11	Anne Johnston Michael Gee		
TOTAL		16	6	1

Text is continuous. Error in pagination, pages 434 to 443.

It can be seen that a decisive majority of members of Council were in favour not only of preserving the residential community on the Islands, but went so far as to vote for virtually doubling its population.

There is no indication of the recently installed City Council having yet dealt with the Islands matter.

At Queen's Park

On October 19, 1979, the Honourable Thomas L. Wells, Minister of Intergovernmental Affairs, introduced Bill 153 in the Legislature. The purpose of the Bill, as described in its

Explanatory Notes, was "to permit those parts of the Toronto Islands now being used for residential purposes to continue to be used for such purposes during the lifetime of the present occupants".

Intended as a compromise, the Bill (and its successor: Bill 5, which had its first reading on March 13, 1980) has become known as the "attrition" solution. Mechanically, it would amend The Municipality of Metropolitan Toronto Act.

According to subsection 1 of section 210 of that Act, the land comprising the Toronto Islands owned by the City of Toronto, except the Toronto Island Airport, was vested in Metropolitan Toronto as of January 1, 1956, to be used for parks purposes. Under subsection 5 of that section, if any of the lands vested in Metropolitan Toronto cease to be used for parks purposes, then Metropolitan Toronto is required to transfer the land back to the City of Toronto.

The first thing the Bill would have done is repeal subsection 5 of section 210, thereby permitting Metropolitan Toronto to retain title to lands on Algonquin Island and Ward's Island even though portions of them are used for residential purposes.

Under the terms of the Bill, Metropolitan Toronto would be required to lease to the City of Toronto the lands on Algonquin Island and Ward's Island that on October 19, 1979 (the date of the Bill's introduction) were occupied and used for residential purposes. The rent would be at market value.

Within six months of entering into that lease, the City would be obliged to reimburse Metro for all sums Metro had paid to the City for arrears of taxes and public utilities rates, as well as all outstanding arrears of rent and occupation rent, with respect to the residential units on the Islands. The City would, in turn, have the right to recover the sums from the occupants.

Provision is made in the Bill for renegotiation of the rent paid by the City to Metro at five-year intervals. Where Metro and the City are unable to agree on quantum, it is to be determined by the "adjudicator", to whom reference is made later in the Bill.

All pre-existing relationships, whatever they were, would be cancelled. Expression of this arrangement can be found in a provision which declares that all leases,

including any tenancy agreement within the meaning of Part IV of The Landlord and Tenant Act, licences of occupation and land use permits entered into prior to the coming into force of the Act would be confirmed to be void as of October 19, 1979.

The Bill then contemplates that the City would offer leases. On or before April 30, 1980, an occupant of residential premises (as of October 19, 1979) would apply to the City of Toronto for a lease of the lands "on which the occupant resided or in respect of which the occupant had a leasehold interest". The City would then be required to offer a lease of those lands for the life of the occupant on terms and conditions upon which the City and the occupant would agree. If no such agreement was reached, the terms and conditions would be determined by the adjudicator. Once a lease was signed, the City would be obliged to forward a copy to Metro.

In cases where the occupant would cease to occupy the premises, the lease as between the occupant and the City would be deemed to be terminated. Moreover, with respect to that particular portion of the lands, the lease between Metro and the City would be deemed to be terminated and Metro would be authorized to remove or demolish any buildings or structures without compensation. Where that occurred, no further lease would be permissible with respect to the lands in question.

An occupant would be prohibited from assigning, subletting or giving a licence of occupation to anyone. Should he or she purport to do so, it would be void and of no effect whatsoever.

If it were to happen that with respect to a particular unit no lease was entered into between the City and an occupant by June 30., 1980, the lease between Metro and the City would be deemed to be at an end as it related to that particular unit. Metro would be in a position to remove or demolish any buildings on that portion of the lands and no further lease could be obtained in regard to those lands.

A duty would be imposed upon the City to give notice in writing to Metro immediately upon the termination of a lease. Metro would be given an option with respect to the use of those lands which find their way back into its hands either by no occupant having taken up a lease with the City or when such a lease is terminated. The Bill would permit Metro to use the lands for park purposes or for purposes related to elderly persons.

Level of municipal services is dealt with in the Bill. Both Metro and the City would be required to maintain the level of services, including bus and ferry service, existing on the day the contemplated Act came into force. However, if a lower level of services prevails in the City of Toronto from time to time, that lower level would be allowable. It

is expressed in the Bill that neither Metro nor the City would be bound to provide municipal services to the remaining community at a level higher than that existing when the proposed legislation came into force.

Contemplated in the Bill was that Metro would not be out-of-pocket as a result of providing any municipal services to the continued community. This is seen as the responsibility of the City of Toronto. The City would be required to pay Metro annually the amount for expenditures made or deficits incurred by Metro relating to the provision of municipal services, including bus and ferry services, by Metro. Amounts to be paid would be agreed upon by Metro and the City. Failing such an agreement, the adjudicator would make the determination.

Neither Metro nor the City would be required to meet housing standards at a level higher than that existing the day the projected Act came into force.

Central to the Bill is the definition of the word "occupant". An "occupant" is defined to mean:

- (a) a person who on or before the 19th day of October, 1978 attained the age of majority and who on that day had a leasehold interest or claim in land on Algonquin Island or Ward's Island in the City of Toronto under a lease which existed on the 1st day of January, 1956 or a renewal or extension thereof; or
- (b) a person who on or before the 19th day of October, 1979 attained the age of majority and who on that day was ordinarily resident on Algonquin Island or Ward's Island in the City of Toronto.

Mention has already been made of an "adjudicator" in the discussion of the Bill. Such a person would be appointed by the Ontario Cabinet and he or she would be paid remuneration and expenses by the Province. The adjudicator would make decisions in the event of a dispute and the decisions would be final and binding: The Statutory Powers Procedure Act, 1971 would not apply to proceedings before the adjudicator.

In the event of a dispute, the adjudicator would be called upon to decide: the terms and conditions of the lease between Metro and the City; the levels or standards of services to be provided to the residential community; the responsibility for the cost of providing municipal services to the residential community between the City and Metro; the date upon which a property has ceased to be occupied; who is an occupant entitled to enter into a lease with the City; the terms and conditions of a lease between an occupant and the City;

the terms and conditions of leases to be entered into with certain Associations (referred to below); and any other matter which may be assigned to the adjudicator for resolution by the Minister of Intergovernmental Affairs.

Finally, the Bill embraced what appeared to be the continued use by the residents of the two clubhouses. The plan would be for the residents collectively to lease these premises directly from Metro. Metro would be required to offer to lease to the Algonquin Island Residents Association and to the Ward's Island Residents Association the lands on Algonquin and Ward's being occupied and used by those organizations on October 19, 1979 for recreational and social purposes. A lease of those premises would be subject to terms and conditions as Metro and each of the Associations might agree. If no agreement were reached, as referred to above, the adjudicator would determine the terms and conditions.

On December 20, 1979, Mr. Wells advised the House that the Government would not be going ahead with Bill 153 in that Session, but that in the Spring Session he would introduce a new bill in essentially the same form.

The Minister did, in fact, introduce a new bill in essentially the same form some five months later. He tabled Bill 5 and it was given its first reading on March 13, 1980.

Only two dates are changed in Bill 5 from Bill 153. The deadline date of April 30, 1980 for an occupant to apply to the City for a lease was put back to September 30, 1980. The other date (June 30, 1980) which was the cutoff point where no occupant entered into a lease with the City and after which that portion of the lands would no longer be subject to a lease as between the City and Metro, was altered to read December 1, 1980. Otherwise, there was no change from Bill 153. Bill 5 preserved the occupancy and use determination date of October 19, 1979.

June 19, 1980 was the last day before the Legislature was to adjourn for the summer. On that date, Mr. Wells told the House that Bill 5 would not be called for second reading. He added that it would remain on the Order Paper so that it could be considered when the Legislature resumed sitting in the fall.

It is important to note here the posture of Bill 5 within the context of the entire Legislative Assembly. On June 6, 1980, Dr. Stuart Smith placed a "reasoned amendment" on the Order Paper that Bill 5 not be read a second time when it was to be called. The Liberal amendment would have sent Bill 5 back to Government so that the principles expressed in a resolution carried in a voice vote in November, 1978, be incorporated. The resolution in question was to the effect that the residential portions of Ward's Island and Algonquin Island be transferred back to the City in order that

the residents be saved from eviction and that this be done by amending The Municipality of Metropolitan Toronto Act.

As I understand the procedures of the House, once a reasoned amendment is offered, the first question voted on is whether or not the Bill will be read a second time.. If the question is answered in the affirmative, the Bill is put to a vote. If answered in the negative, the amendment is put to a vote.

A reading of Hansard (see particularly June 5, 1980) gives me the clear indication that the New Democratic Party as well as the Liberals are against the provisions of Bill 5. Both opposition parties would like to see the Toronto Island community remain. They would not be satisfied with an attrition approach. The Government is in a minority situation.

Of some interest is a Private Member's Bill (Bill 40), the first reading of which was moved on December 4, 1975. That Bill was introduced by the Member of Legislature for St. Andrew-St. Patrick, now the Honourable Larry Grossman, Minister of Industry and Tourism for Ontario. Mr. Grossman's Bill, if passed, would have transferred the ownership of "Algonquin Island and Ward Island" from Metropolitan Toronto to the City of Toronto. The introduction of Bill 40 came at a time which followed the decision of Mr. Justice Osler of the Supreme Court of Ontario holding that the residential

leases would come to an end on August 31, 1975. Some three months later (March 16, 1976) the Ontario Court of Appeal reversed the judgment of Mr. Justice Osler.

Actual legislative action was taken in a whirlwind manner in mid-November, 1980. On November 13, 1980, the Honourable Thomas L. Wells introduced Bill 181. It received its second and third readings on November 14, 1980 and became law. The Toronto Islands Act, 1980 stays the execution of the writs of possession until July 1, 1981. In a statement made by the Minister when the bill was introduced, he said that the passage of Bill 181 would allow the residents of the Islands to remain in their homes until this Commission reported and a response was made to its recommendations.

Residents of Toronto Islands



The position of the residents of the Toronto Islands has been taken mainly from submissions made during the course of the formal hearings by Mr. Peter Atkinson, their Counsel, and mostly from his final argument. Mr. Atkinson also elicited the Islanders' posture on certain points through the testimony of witnesses he called to the stand.

On the main issue, it was submitted that the residential community on the Toronto Islands should be allowed to remain and be accorded the same status as any other community in the City of Toronto.

Mr. Atkinson submitted that the Islands should remain in public ownership. He said they have been publicly owned "since the beginning" and there is no reason why, on the evidence, that should change.

Island residents are seeking a recommendation that the lands presently occupied by the residential community be transferred to the City and that the City then become the landlord. Elizabeth Amer, Co-Chairman of the Toronto Island Residents' Association, in answer to my question, said that she believed it would be acceptable if Metropolitan Toronto owned the land, leased it to the City of Toronto and the City became the landlord of any continued community.

The residents of the Islands submitted, through Mr. Atkinson, that the area that should be the subject of City jurisdiction is the area presently occupied by the Island community, "including the vacant lots between some of the houses, but excluding ... the Queen City Yacht Club and areas like that". Mr. Atkinson said the residents "don't oppose anything in addition to that, that would be fine, but what we are requesting ... is the area currently occupied by the community".

When asked about the community's views on the proposal of the City of Toronto for an expanded community, Ms. Amer said that the main thrust of the activities of the Toronto Island Residents' Association has been to preserve and maintain and improve the existing community. The Association has no objection to the City's proposal for additional housing, but it is not a priority of the Association. Mr. Atkinson stated that "we do not urge that the residential community be expanded".

With respect to security of tenure, Mr. Atkinson submitted that it should be for a period of "at least 25 years". Then he said it would be logical and right to have the residential leases expire at the same time as those relating to the yacht clubs. (The yacht club leases will be due to expire on July 31, 2005.)

Having regard to payment of rent in any continued community, it was submitted that the rents in the past have been too low and that the residents "should be paying a fair rent and they should be paying their way". Mr. Atkinson submitted further that, as a pre-condition of any contractual relationship, all back taxes and back rent (occupation compensation) be paid. Initially, he did not think back payment of occupation compensation should be with interest. When I pressed him, however, he conceded that fairness would indicate that interest be paid.

The position of the Islanders on the question of compensation, should a long-term lease be granted, was succinctly put in the evidence of Ms. Amer, who said:

Compensation has never been one of our objectives. One of the characteristics of the relationship between Island residents and their property is that they regard it, its value to us, is as shelter and not as investment. Any investment that we make in the property is an investment which we expect to recoup in the enjoyment of the property as shelter and we do not need to have equity in that investment.

With respect to profiteering, Ms. Amer said that it is not in the interests of the residents and not in the public interest for the properties to be considered as investments and allow profiteering. "Our objective is

that that should be controlled through some mechanism, agreed to between the landlord and the tenant; possibly some form of a lease to a non-profit corporation or a number of non-profit corporations." On the subject of profiteering, Mr. Atkinson said the Islanders recommend that, if the City of Toronto is to become landlord, it should immediately publicly announce a "freeze" on transactions dealing with Island residences. The City could indicate that no recognition would be given to anyone acquiring an Island house in the interim period, which he described as between the time of this Commission's recommendation and the time the City would obtain control by way of legislation. Agreeing that this is an area fraught with difficulties, Mr. Atkinson stated that if the City did obtain control, it would sit down, hopefully with the residents, and work out mechanisms to deal with the profiteering question.

I made reference, when questioning Ms. Amer, to the apparent profits being made by absentee "owners". She thought that the Association's policy for the future was that there should be a non-profit situation and that this would probably involve some kind of control in prices and for the level of rent charged.

One of the Association's objectives documented in 1973 was that: "Islanders want to retain ownership of their houses and the right to sell them". Ms. Amer stated

that that objective, together with others, had not substantially changed. At the same time, she told of a group of residents who formed the Toronto Island Residents' Housing Co-operative Inc. The function of that corporation was mainly to develop policy and to address itself and "ourselves" to the question of profit control; also, to educate Islanders about what this meant; and further to deal in a practical way with upgrading the houses themselves.

Mary Anderson, Island resident, testified about the "Co-op". She stated that the Toronto Island Residents' Housing Co-operative Inc. was incorporated on October 18, 1977, but that her involvement dated back to the pre-incorporation work beginning in 1973 or 1974. Membership in the Co-operative, restricted to Island residents, was estimated by Ms. Anderson to be 75. This number was said to represent 45 or 50 households. Considering that there are about 250 households in the community, I make it that only some 18 to 20 per cent of the households have membership participation in the Co-operative.

The objects for which the Co-operative was incorporated are:

...to purchase, renovate, lease,
construct, maintain or increase
available housing stock on
Toronto Island.

To acquire and deal in long-term leases from the Municipality of Metropolitan Toronto or its assigns.

To control the prices of homes on Toronto Island.

To do any other acts necessary to carry out the undertaking of the co-operative.

Ms. Anderson described the Association's plan for its operation, should the community receive some security of tenure. She outlined a potential approach which could involve a long-term master lease being entered into between the landlord and Co-op with respect to the lands involving the houses occupied by the Co-op's members. It was her opinion that a 25-year lease would be appropriate, as it would "... allow us to obtain mortgages and to do repairs and to convince the gas company and the phone company and the hydro to make sure that their equipment is repaired and in good order."

The Co-op would pay rent to the landlord and, in turn, enter into an occupancy agreement with the members for their individual properties. Ms. Anderson doubted if the Co-op would make a profit on the ground rent, but she felt it might be necessary that a certain amount be added to pay for administrative costs.

In order to prevent windfall profits, the Co-operative would choose the purchaser and establish an appropriate sale price, which would take into consideration home improvements. The Co-op has determined the need to separate buyer and

seller in order to prevent a "key money" situation from arising. Certain other aspects have not yet been sufficiently developed. Consideration has been given to such matters as when houses are to be appraised; who would be responsible for setting prices; and whether an appeal process should be available if conflicts arise.

Ms. Anderson expressed the Co-operative's recommendation that all Island residents belong to the Co-op as a solution to the potential problem of windfall profits.

Turning now to another topic, Mr. Atkinson submitted that there ought not to be any more summer residents, but the present ones should be recognized and protected.

Ms. Amer said that one of the community's objectives is to maintain the current socio-economic mix and stated that the residents like the fact that there is a variety of people living there - people in all walks of life, and they would like to see that maintained. If some mechanism such as a non-profit corporation could be found, that would formalize that control and she thinks it would allow the lower income people to remain on the Islands.

As I understand it from Mr. Atkinson, the Island residents have a position with respect to contests that may arise as between what he described as the "sometimes-landlord" who wishes to return to the Island residence and the "long-term tenant". The "tenant" should have the first right of refusal. This is the type of matter they see being handled by the City of Toronto if it were

to administer a continued community. All the while, Ms. Amer testified that the community suggests that "all existing relationships be recognized", indicating that the absentee "owner" might also have an interest to be considered. She said that "one of the tasks of the working committee of the City and Island residents would be to invent a formula which would allow all the parties involved to be treated fairly".

Regarding the question of sanitary sewage, it is the Islanders' position that a sewer line to service the residences should be installed immediately to connect with and where the existing Metro Parks system ends at Chippewa Avenue. Costs of this line are seen as coming out of the general tax levies of the City of Toronto as they do in the rest of the City, with the individual resident bearing the costs of the connection from the lot line to the residence.

So far as the question of flooding is concerned, Mr. Atkinson took the position that it was a "red herring". He submitted that flooding was not considered to be a problem by the Island residents.

Mr. Atkinson submitted that the health and safety and building by-laws of the City of Toronto should be enforced, but there should be some recognition of the fact that the houses on the Islands are different from the houses in the rest of the City. In this regard, he suggested that the City of Toronto should consider

whether the existing by-laws are proper and necessary with respect to the Island residences and, if indicated, re-tailor some of the provisions to take into account the history of the development of the Island community. He added that it is now the policy of the Government of Ontario to renew and rehabilitate instead of demolish and to give consideration to tailoring building by-laws to accommodate that goal.

Dealing with the concerns expressed about fire safety, particularly in the Ward's Island region, Mr. Atkinson submitted that this Commission should make a strong recommendation that the municipal corporation responsible for administering any sustained residential community conduct a "very, very careful study". In the event that such a study determines that spacing ought to be changed or that other remedial steps are indicated, action should be immediately taken.

Dealing with the subject of demolition, Ms. Amer stated that "any demolition which took place without the proper planning process going on, in which we participated, would be opposed by the residents. However, if there was a planning process and if we were involved in it, I could well imagine that the community might concur in demolition." Under cross-examination by Susan Himel, Commission Counsel, Ms. Amer indicated that the possible relocation of some homes on Ward's Island has not been discussed by the Association as a question of policy. It was her stance that both the City of Toronto and the

residents are committed to that kind of decision through the planning process "in which we all participate".

The point was repeatedly made that the residents of the Toronto Islands want to be involved in the planning process of any continued residential community.

Mr. Atkinson had an interesting recommendation better to ensure compliance with various standards (for example, fire and building) and the maintenance of control of the entire situation, in the event that a retained residential area was turned over to the City of Toronto for administration. He alluded to the writs of possession currently in the hands of Metro and gave his interpretation that the recent Ontario Court of Appeal decision meant that these writs are "timeless" and that there is no limitation on them. It was his suggestion that any legislation embracing a turn-over of the lands to the City also transfer Metro's rights with respect to the writs of possession to the City. He saw such a course of action as a vehicle which would enable the City to deal more expeditiously with any concerns about "profiteering".

Looking at the question of attrition, Elizabeth Amer said that the Island community had debated the subject at general meetings on four different occasions and, in every case, totally rejected any Bill which includes an attrition clause. Wanting to know the extent to which the community did reject such an approach, I asked that the actual minutes of the

subject meetings be produced, and they were.

To appreciate the chronology, it should be remembered that the attrition Bill (Bill 153) was introduced on October 19, 1979 and its successor (Bill 5) on March 13, 1980. Particulars of the dates and the motions passed, so far as records have been kept, are as follows:

- (1) September 30, 1979: With approximately 200 members in attendance, the following motion was passed unanimously:

That the Island Residents direct their executive to thank the provincial representatives for meeting with them, advise them that the community finds the attrition clause of the provincial proposal unacceptable, and express the community's desire to continue discussions.

- (2) October 10, 1979: With approximately 200 members in attendance, although no record of the vote was taken, the following motion was passed (according to the memory of those present) "nearly" unanimously:

We support Mr. Grossman in his effort to return the residential portion of the Island to City control but we vigorously reject any proposals which contain an attrition clause.

- (3) April 2, 1980: With approximately 200 members in attendance, the following motion was passed:

that the community continue to encourage the efforts of John Sewell, Art Eggleton, the Liberals, NDP and Conservatives to preserve the community through the transfer of land to the City of Toronto, but to reject any attrition clauses that might be any aspect of legislation involved.

There is no record of the vote count. Those who attended remember that a subsequent vote of confidence in the majority position was passed with a "near" unanimous vote.

(4) June 16, 1980: The following motion was passed:

Whereas: the community would welcome a properly constituted study of the future of the Island Community and

Whereas: the community has three times rejected any bill containing an attrition clause, including 'Bill Five' and

Whereas: TIRA is constituted to preserve and protect the Island community and 'Bill Five' is designed to destroy this community by attrition and

Whereas: 'Bill Five' leaves very little opportunity to organize future political action

Therefore the executive unanimously moves for rejection of 'Bill Five' as amended according to a proposal presented, June 15, 1980 by Alderman Arthur Eggleton.

The motion was passed by a vote of 183 for and 84 against.

The reference to the proposal presented by Mr. Eggleton apparently had to do with a possible public inquiry which the residents wanted, but they did not want it related to an acceptance of Bill 5.

It was estimated by Ms. Amer, if Bill 5 were passed, that in seven to ten years the community would be cut in half. She added that: "We simply cannot afford to be smaller than we are, we couldn't possibly survive."

Evidence was led before me about a certain degree of mobility of Island residents. For example, when homes were demolished at Hanlan's Point and Centre Island, a number of the people who had been living in them moved to Ward's or Algonquin Island. As well, there have been instances where Island families have expanded or dissolved and other available homes on the Islands have been taken up for the purpose. It was expressed to me that that type of mobility would not be allowed under Bill 5.

Another concern expressed by the Island residents was that the economics of an attrition situation would probably dictate a reduction in services and that the friction between Metro and the residents would intensify.

In 1973, the Island community approved a statement of "aims", which was appended to the City of Toronto's report known as "Toronto's Island Park Neighbourhoods". While giving evidence, Ms. Amer was able to say that

those aims have not substantially changed since that time and that no new aims or objectives have been added in any formal way. Such being so, I have decided to repeat them here, as follows:

1. This should remain a year-round community but the present small minority of summer Islanders should have the right to remain as such.
2. Any "new" Islanders should be year-rounders and preferably families with children.
3. Existing ownerships and tenancies should be officially recognized.
(A number of transfers which have taken place since August 1970 have never been formally recognized.)
4. The rights of present tenants should be safeguarded.
5. No house shall be demolished without community involvement in the decision.
6. The community agrees with the need for upgraded housing standards and should be involved in setting these standards as has been done in the past. At the same time, means should be found to finance these improvements over an extended period for those who need it.

7. The Island should continue to provide low cost housing; speculation in Island properties (which would tend to destroy the community) should be prevented.
8. Islanders want to retain ownership of their houses and the right to sell them.
9. No one should own more than one Island house.
10. Despite the inconveniences, the Islands should remain a car-free community - in fact there should perhaps be even more stringent restrictions on the use of motor vehicles.
11. There should be continued public access to all shorelines.

CONSIDERATION AND CONCLUSIONS

1. DIFFICULTY OF PRESENTATION
2. COURT DECISIONS IN PERSPECTIVE
3. LEGAL STATUS OF ISLANDERS
4. DO THE PEOPLE DESERVE TO STAY?
5. ARE THE HOMES WORTH SAVING?
6. IS THE COMMUNITY WORTH PRESERVING?
7. COMMUNITY V. PARKLAND
8. ATTRITION APPROACH

Difficulty of Presentation

It has not been easy to draft this Chapter. In fact, it has been exceedingly difficult. I found myself faced with an uncanny combination of complicated issues, competing interests, conflicting views, contradictory evidence and countervailing thoughts.

Having wrestled with the problem for some time, I decided to follow a particular order of organization and progression. It seemed to me that several successive stages should be dealt with, each in turn.

To begin with, I felt that I should place in their proper context the meaning of the Court decisions in which the Municipality of Metropolitan Toronto and the Island residents have been involved. The purpose of this was to deal with the impression I believe some hold to the effect that somehow the position of the Island residents has been fully aired in the Courts, and that the Islanders have failed in convincing the Courts of the merits of allowing them to remain on the Islands. It was also of interest to me to ascertain whether or not it could be considered that the residents had abused the Court system while advancing their cause.

Next, it was my belief that I should explore the legal status of the Islanders. What is their current status? Have they broken the law along the way? These considerations weighed heavily in my mind.

Following that, I decided to embark upon a discourse involving the residents as people, the homes as physical things, and the community which is an entity unto itself.

Do the people deserve to stay? Certain considerations are pertinent and these include roots, conduct, responsibility and certain matters of social philosophy.

Are the homes worth saving? A number of features should be considered. These include their present condition and potential for repair; health and safety features; the availability of utilities and public works; and the general state of the housing market.

Is the community worth preserving? Various factors are of concern in answering this question, such as history, planning, self-sufficiency and economic viability.

Then, I turned to the competing interest. Should the lands become parkland? A host of matters are relevant, some of which are the nature of the resource, its location and accessibility, the existence of other resources, and plans for future development.

My terms of reference ask me to inquire into the appropriate future use of certain lands. While I am not limited in my recommendations, the historical context of the Islands dispute makes it clear to me that the lands in question are destined to be used either as a continued residential community or as parkland.

It may be that there is a case to be made for the continuation of the community. At the same time, it may

be that there is a case to be made for parkland. If these two situations co-exist, then one is confronted with a difficult choice.

As a last measure in this Chapter, I concluded that I should examine in some depth the proposed attrition approach which has been offered as a compromise solution.

Court Decisions in Perspective

Of those who would see the residents quit the Islands, there are undoubtedly a number who assert that the Courts have said the Islanders must leave. Even further, it has been suggested that intervention by the Provincial Government constitutes political interference in the judicial system. Take, for example, the contents of a letter written by a citizen under date of November 6, 1980 addressed to the Minister of Intergovernmental Affairs which letter, in turn, the Minister passed on to the Commission:

Dear Mr. Wells:

I am writing to you concerning the matter of the Toronto Island residents and the attempts by your government to interfere with the Judicial process. What you are proposing is nothing less than anarchy. The islanders have been allowed due legal process. They have appealed to every court in the land. Any further attempts to delay their eviction is political interference in the Judicial system. For that you and your fellow cabinet members should be ashamed. You have mocked the Judiciary and disgraced yourselves.

You have sacrificed one of the primary principles of democracy on the altar of political expediency. Shame on you.

Yours truly,

The net effect of the Court decisions over the years is, it is true, that the residents can and must be forced to leave the Islands. But, when one examines the arguments before and the judgments of the Courts, it can readily be seen that what they have held has been based upon technical and legal grounds.

At no time have the Courts, nor should it have been expected that they would, dealt with the issue of whether or not there should be a residential community on the Toronto Islands. Rather the questions considered by the Courts have embraced mainly such issues as municipal procedure, the rights of landlords and tenants, and the process of enforcement. None of the Courts have said that it would be a good thing or a bad thing to evict the Island residents. It was not their role.

It follows that the Courts should not (and in my opinion, would not) consider it to be disrespectful or to constitute interference if a decision were made by Government which, in practical terms, brings about a different result than would have naturally followed the Court decision. It is not uncommon for Parliament or a Legislature to move swiftly on the heels of a judicial determination. The Court tells us what the state of the law is as applied to the interests of

of the various parties at the time of the decision. If it should happen that a competent legislative authority changes the law or suspends the operation of the usual law, it is not, nor should it be seen as, interference with the judiciary. Superseding legislation takes nothing away from the meaning of the judgment of the Court - only from its practical effect.

Somewhat ironically, despite all of the litigation in which the Island residents have been involved, they would probably say that the sum of it did not provide them with their "day in Court". What the residents seem always to have wanted was a determination of the main issue: whether or not, on its own merits, taking into account any competing interests, the community should remain on the Islands.

Court proceedings are costly. Over the years, the Islanders must have paid dearly in financial and other ways to maintain the various actions and appeals. Surely the residents did not initiate or respond to lawsuits simply for the sake of proving legal points? The "bottom line" was to save the residential community.

As I see it, at least some - if not all - of the proceedings brought by the Islanders were to occasion delay. I would suffer from naivety if I thought otherwise. Each deferral of their eviction gave them an

opportunity, through the lobbying process, to recruit new allies.

The conduct of the Island residents can be viewed in many ways. One of those who submitted both an oral and a written submission to this Inquiry, put it in the following manner:

The islanders who are always harking on their modest, natural life-style and simple way of thinking are in reality the shrewdest manipulators. They demonstrate throughout the years of their costly resistance and fight against the law that they are well-trained advertisers, displayers and actors. They are most sophisticated lobbyists and highly experienced in pulling political strings at the right time and at the right vulnerable persons. The islanders have the money, the power and the organizing experience to intimidate politicians and catch them for supporting their (the islanders') wishes and goals. They are choosing always the right time for their pressure methods, namely a pre-election time. So far the islanders have obviously hooked Messrs. Sewell, Eggleton and other city politicians as well as Mr. Crombie, Mr. Rotenberg, Mr. Grossman, Mr. Wells, Mr. McMurtry, Mr. Davis and the Provincial Liberals and New Democrats.

The fact is that the Islanders have had and do have a number of allies who occupy political posts. One should not discount lightly that the City of Toronto is on their side and has been from the time Metro initially decided that they had to leave. Some at Metro, not limited to City of Toronto members, although not enough to make a difference, support

the Island residents. The majority of elected representatives at Queen's Park are on the side of allowing the residential community on the Toronto Islands to remain. In this day and age, lobbying for support is commonplace. A combination of the determination of the Islanders, the fruits of their enlistment of political support, and the workings of the litigation process, have all served to bring the situation to the point where it is now.

In placing the Court decisions in perspective, I must say that it would be of major significance to me had the Courts expressed the view that the Islanders had abused the Court system. A reading of the various judgments of the Courts in no way indicates that the Island residents have been frivolous or vexatious. On the contrary, the residents have put forward what can be considered arguable points of law throughout.

Legal Status of Islanders

Various labels bearing negative connotations have been attached to those residing on the Islands in recent years. They have been collectively referred to as squatters, trespassers, illegal tenants and by a host of other uncomplimentary descriptions.

What is and what has been their status over the past several years from the legal point of view? I see this as an essential question to be answered.

For the moment, we are in a period of temporary "hold". Pursuant to The Toronto Islands Act, 1980, all those residing on the Toronto Islands are doing so at the pleasure of the Legislature of Ontario. They enjoy statutory immunity through the suspension of the usual legal processes which would otherwise have been available to Metro. Since this legislative moratorium is but an interim measure, as I understand it to permit the delivery and consideration of this Report, I must go behind it to ascertain the ordinary legal status of the Islanders.

Earlier in this Report, I have chronicled in a detailed manner the various Court battles and it is not my intention to repeat that sequence here.

My analysis of the numerous Court judgments tells me that the residential tenancies ended on August 31, 1975: the Supreme Court of Canada said so on June 24, 1977. Further, my analysis tells me

that the writs of possession obtained by Metro (six in October, 1977 and the balance in October, 1978) are valid and do not have a time limit: the Court of Appeal for Ontario said so on October 27, 1980. Because of the way in which Metro's action was originally framed, the effect of the recent Court of Appeal judgment is to require the Sheriff to deliver up possession of all the residential Island community to Metro.

To boil it down to its simplest terms, in my opinion Metropolitan Toronto has the legal right to possession of all residential lands and premises on Toronto Islands. It follows, and it is my view, that the Island residents have no legal right to occupy those lands and premises. As it turns out, this has been the case since August 31, 1975. The "freeze", born at Queen's Park in the form of The Toronto Island Act, 1980, does not change the legal situation as between the parties (Metro and the Islanders). What it does is subtract, for a time (November 14, 1980 to July 1, 1981), the legal process required to enforce a right, in this case Metro's right to possession.

When Metro set out to terminate the residential leaseholds, it was aiming for a possession date of August 31, 1974. The special Act of the Legislature, representing a temporary reprieve, was not in place until November 14, 1980, over six years later.

How have the Islanders managed to remain living there during those six years? On the eve of the Provincial "rescue" were they there illegally? Had they broken the law along the way? The answers to these questions should weigh heavily in my consideration and the area warrants close examination.

Look at the scenario. The final documentation relating to extensions of the leases is for the period of September 1, 1971 to August 31, 1972 and from year to year thereafter unless terminated. It turns out that 1973 is to be the year of decision and Metro asks the City for any proposals it might have for taking back control of the residential portions of the Islands. The City undertakes a study, involves the Island residents, and produces a report entitled "Toronto's Island Park Neighbourhoods" in which it is recommended that the community be retained. Despite the support of the community's own area municipality (the City of Toronto), Metro decides that the community must leave on August 31, 1974 to make way for parkland.

Before Metro's proposed termination date, the residents dispute Metro's course, by bringing an action on July 4, 1974 in the Courts. They ask the Courts to declare the by-law under which Metro purports to terminate the tenancies and also the notices of termination to be null and void. They

complain variously of vagueness and uncertainty, discrimination, the absence of notice and of an opportunity to be heard, and inadequate procedure. The exercise of this series of litigation through trial and two levels of appeal (the second brought by Metro) takes until June 24, 1977. While in the final result Metro's right to possession is positively determined, it was within the Islanders' rights to do what they did. In passing, I note that along the way the Islanders did, albeit on technical grounds, meet with some success.

Armed with a Court determination of its right, Metro then takes steps in the Summer of 1977 to enforce that right, specifically to obtain writs of possession from the Court. The Island residents decide to and do resist by way of response in Court and are ultimately unsuccessful, but launch appeals. It is not until October 20, 1978 that the appellate Court, upholding Metro's position, delivers its judgment. Metro is now, presumably, in a position to obtain possession of the residential lands. The residents have, until this time, done nothing more than to take advantage of the judicial process which exists for the protection of all. Their process appears, however, to be running out.

Subsequently, in November, 1978, a difference arises between Metro and the Sheriff's Office regarding the life-time of the writs of possession. At that point, Metro tells the Sheriff not to enforce any writs, but to await further instructions. Later that month sees some debating activity on the issue in the Legislature.

Commencing in December, 1978, the Honourable Thomas L. Wells publicly indicates the Government's proposal to serve as a mediator, and asks that Metro not enforce the writs in the interim. Essential ensuing developments which take place are also documented in previous portions of this Report. They include the tabling of Bill 153 (providing for attrition) on October 19, 1979; Metro Council's decision on February 26 and 27, 1980 to wait for Provincial legislative action no longer than June 30, 1980; introduction of Bill 5 (replacing Bill 153) on March 13, 1980; and Metro's failure to meet Mr. Wells' request to nominate two members to this Commission.

During the period from the last Court decision (October 20, 1978) to June 30, 1980, the Island residents have the benefit initially of the question involving the longevity of the writs of possession and, later, the indulgence of Metropolitan Toronto awaiting the attempts of a resolution of the matter at Queen's Park. While the residents cannot claim any right to live on the Islands during this period, in my view they are certainly not breaking the law.

Then follows the enlarged dispute as between Metro and the Sheriff and the resultant Court application by Metro to which the Island residents are added as a party. Metro seeks to force the Sheriff to enforce the writs of possession. On July 24, 1980 the Court decides that Metro is correct in its contention that the writs are not limited by time and orders the Sheriff to do his duty and deliver up possession to Metro. Sheriff's officials attend on the Islands on July 28, 1980. The precise purpose of their attendance is not clear. The notices are not served nor, to my knowledge, is there any reported infraction of the law. Counsel for the Sheriff mentions in an ensuing Court hearing that it is the usual practice of his client to wait seven to ten days before processing writs. The Islanders seek permission to appeal the order against the Sheriff to the Court of Appeal. They are successful and, at the same time, obtain an order staying execution of the writs. Argument of the appeal is heard and the reserved decision (against the Islanders) is rendered on October 27, 1980. Short of seeking leave to appeal to the Supreme Court of Canada, which they say they will not do, the legal process of the Islanders would appear to have been exhausted.

The Sheriff must now discharge his duty. He mails the writs to the residents. He expresses November 17, 1980 as the final date by which the residents must vacate. Short of Metro "calling off" the Sheriff, which it does not do, only statutory intervention at the Provincial level can stop the evictions. That intervention comes at the eleventh hour (November 14, 1980).

In a democratic society, there is a difference between a right claimed and the determination of that right. To go a step further, there is yet another difference between a right determined and the enforcement of that right. Moreover, a right may be capable of enforcement and need not be enforced. The Island residents have either taken or enjoyed virtually full advantage of our democratic legal system and the time it takes to run its course. In addition they have, if I may call it that, had some good luck arising from the legal complication relating to the life of the writs of possession and finally by the action of the Ontario Legislature.

I recognize that each existing family or household on the Islands has its individual history of when, how and by what means it found its way to

Island residence. This is meaningful to me in certain respects and is the subject of my comment elsewhere in this document. Having now had an opportunity to analyze the legal situation, I am able to say that, in terms of law, if I may use the expression, "all of the Islanders are in the same boat" with no differentiation. Since August 1, 1975, none of them - whether newcomer or theretofore longstanding tenant - is able to assert a legal right to reside on the Islands. Rather, they have been in a "legal limbo" with Metro unable or, at times, choosing not to remove them. It is my conclusion, however, that by remaining on the Islands, or even coming there afresh, the residents are not doing anything illegal, nor have they broken a law along the way.

Do the People Deserve to Stay?

At the outset, I must say that I personally cannot accept "jealousy" as being a valid reason in support of not allowing the Island residents to remain.

One of the arguments raised on behalf of those who feel that the residents do not deserve to remain on the Toronto Islands is that the Island residents since 1956 have known, or should have known, that some day they would have to vacate their homes. Metro permitted the residents of homes which were governed by non-compensation leases to remain longer than it was obliged to do, by annual lease renewals until the period ending August 31, 1974.

It is the view of Metro Parks that there are two categories of Island residents: "legal" tenants, being those who once held a lease from Metro or received the approval of Metro in assuming a lease; and "illegal" tenants, who are occupying premises without having been a party to a lease with Metro, or the recipient of its approval.

There are a number of residents who had a lease with Metro and have continued to reside on the Islands. The remaining residents include those who purchased from persons who held leases or their successors, those who are tenants of those who had leases, and those who are tenants of those who purchased from original leaseholders.

From a moral point of view, some would say that the residents who held leases with Metro, and have remained, somehow are more justified or deserving than those who have come subsequently with the knowledge that their time

on the Islands would be limited. Where does one draw the line? It is extremely difficult to distinguish the residents in this regard. Residents were bound under their leases to seek the approval of Metro in order to sublet. In many cases this was not obtained or given. It would be unfair to differentiate all those whom Metro classifies as "illegal" tenants. Metro may have refused to consent to prospective residents if approval was sought. It goes without saying that no scope for approval was available once Metro decided to terminate the leases as of August 31, 1974.

Another issue which warrants attention is what, if any, status would be given in any retained community to former residents of the Toronto Islands who left because of Metro's plan to convert the land to parkland. It has been said that it would be unfair to deny an interest to those who vacated, while allowing the current residents to remain. An example is found in a written submission to this Commission from Gladys Lomax, received with a covering letter from her lawyers.

Mrs. Lomax advised that she and her family formerly occupied a home at 204 Lakeshore Avenue which was situated on a 50 foot by 220 foot lot. An examination of Commission maps shows that this lot is located on the south shore of Centre Island, adjacent to the bridge to Snake Island. Mrs. Lomax stated that she and her family vacated this home in December, 1967. They were "led to believe at that time that the other residents still remaining would be leaving

shortly thereafter."

It is her contention that if "as it now appears, the present residents of Algonquin and Ward's Islands may be allowed to remain then this would constitute a serious breach of faith with all those who previously were forced to vacate unless they are afforded an opportunity to re-acquire a lot in priority to some who now enjoy this privilege". Consequently, she makes the following claims:

- to be provided with a serviced lot located at the site formerly occupied by her at 204 Lakeshore or alternatively an equivalent lot at another location on the Islands on the same terms and conditions as any who are permitted to remain;
- to be permitted to erect thereon a home equivalent to the one vacated;
- to have an absolute priority to the lot and right to erect a home thereon over those persons who became residents of the Toronto Islands after February 21, 1956 (which she believes is the date on which Metro decided that all residential tenancies on the Toronto Islands would be terminated) and over persons who were residents prior to February 21, 1956, but who left voluntarily;
- if there is insufficient accommodation for all residents (or former residents) who wish to live on the Islands, then as compensation for the loss of use of her house and lot for 12 years and in addition to the priority claimed above, a further priority to such rights over those residents who were residing on the

Islands prior to February 21, 1956 and are presently residing on Ward's or Algonquin Islands, "at least to the extent of a chronology of occupation by the original occupation date"; and

- the right to assign her claim to her son and his family, her son having resided with her and her husband from 1930 until she was forced to leave in 1967.

If the community were to remain, what rights should Mrs. Lomax and others who are in a similar category have? I come to the conclusion that persons who surrendered their homes to Metro, either voluntarily or through arbitration or expropriation proceedings, cannot expect to receive the same treatment as the residents who have resisted eviction through legal means. They made a deliberate choice to exercise an option available to them. I endorse the position taken by the Honourable Larry Grossman on this issue, which is set out in the section of this Report entitled, "Electoral Situation". His analogy to the situation resulting from the Allen Expressway episode is, in my opinion, particularly apt.

How do the Islanders rate in payment of rent and realty taxes?

When I talk of "rent", I am referring to amounts considered to be due from the Islanders and being accepted by Metro as compensation in lieu of rent. The amounts are so low, they could be said to be a joke in the current market. They are a standard annual \$150. on Ward's and \$200. on Algonquin Island, or respectively \$12.50 and \$16.67 per month. Why are these rates so low? To begin

with, the last upwards revision of these sums was in 1969, at a time when lease extensions were in effect. Moreover, since the Islanders owned the homes at that time, the rent was only for the ground. Because Metro took the position that the leases were at an end as of August 31, 1974, there has been no mechanism for increasing the amounts involved. It is my legal opinion that since August 31, 1975 (the date the Supreme Court of Canada later said Metro was entitled to possession), the actual homes have been owned by Metro. In other words, since that time, the \$150. and \$200. annual compensation figures relate to the residences as well as the land.

To protect its legal position, Metro did not at first entertain the acceptance of any compensation payments in the place of rent. After some negotiations, Metro changed its position and I am satisfied that Metro has accepted and will accept these payments.

The circumstances have seen, therefore, the Island residents living on public lands with a vehicle existing for some form of payment as compensation, the level of the compensation being but a fraction of market price. Before even looking at the payment record, I must say that, in my view, anything less than full payment would be unsatisfactory. For the compensation years 1974-75 and 1975-76, the performance was something in the neighbourhood of 90 per cent. This is undoubtedly as a result of the "boost" arranged by Mr. Peter Atkinson,

lawyer for the Islanders, serving as a collection agent. For the compensation years 1976-77 and later, the record shows a dramatic drop in occupation compensation payments. It is true that Metro has not been sending out bills, nor actively seeking to collect occupation compensation. Furthermore, Metro's hands have been tied and, whether or not the occupation compensation payments were made, the way the situation was unfolding, there was nothing that Metro could do to enforce payment.

Various explanations that were given by Island residents in evidence have been considered carefully. Even though they feel the way they do about Metro, I cannot accept their explanations. Island residents are Metro citizens. As such, they are entitled to all of the services provided by Metro. These are very real services as, for example, social services and police protection, to name only two. Surely the Island residents should have seen the payment of this occupation compensation as their moral responsibility?

In passing, I should say that during the course of the hearings of this Commission, there was a flurry of occupation compensation payments made. Records show that in the period of one month some \$31,650., representing 181 compensation years, were paid. Whether this was a demonstration of good faith, I cannot say. I can, however, say that outstanding amounts still exceed \$150,000. On this score, the Island residents should be ashamed of themselves.

Payment performance with respect to the Clubhouses was also examined. I can find no justification for the \$25. annual sum not having been paid on account of the Ward's Clubhouse since 1974-75. In the case of the Clubhouse on Algonquin, Metro records showed a similar position to that of the Ward's Clubhouse. Other evidence, presented from the Islanders, satisfies me that \$300., applicable to four years of compensation, has, to all intents and purposes, been paid by the Algonquin Island Association. But this payment was not made until June of 1980. Considering that the Algonquin Island Association collects rent from one tenant in a sum exceeding \$3,000., I must view this collective conduct of the Islanders as reprehensible.

Even though I am critical of those Island residents who have not paid their occupation compensation, for those who have paid, no fault or blame can be attributed to them for the extremely low amounts involved. I note the remarks of Mr. Peter Atkinson, Counsel for the residents, when he submitted in final argument: "There is no question that the Island residents would be quite happy to pay more rent and, in fact, we have always been anxious to pay more rent." I cannot accept the last part of his statement as it applies to those who have paid no rent at all for years. Nor can I agree with his submission that "Metro keeps the rents low, simply to have a reason to complain about the Island residents. It is the landlord that sets the rent and Metro is the landlord, and ought to have been setting more realistic

rent." Mr. Atkinson should know better than that.

If the fate of the Island community rested exclusively with their rent payments to Metro, there would be little to be said in their favour. Furthermore, if the residential community were to remain on the Islands, it simply would not be fair to let anyone remain without a full accounting for back rent.

The amount of realty taxes, in contradistinction to "rent", varies according to the assessed value of the property. These are payable to the area municipality, the City of Toronto.

While at first blush the average 1980 levy (\$341.30 on Ward's and \$472.50 on Algonquin) may appear low to some, that simply reflects the assessed value of the properties in question. As of late in October, 1980, the property tax of the Island residents is what I would describe as satisfactory. In respect of arrears, for 1978 the payment performance of the Island residents is a shade better than the City average. For 1979, the percentage paid by the Islanders is slightly less than the average. In 1980, as of the date of measurement, the residents were about 10 per cent below average.

Real estate taxes for the Clubhouses were, in each instance, paid in full for 1980 and all previous years.

It could be said that the satisfactory situation regarding real estate taxes paid to the City of Toronto, compared with the shameful showing of occupation payments to Metro, bespeaks the antagonistic feelings the Islanders have for the Municipality of Metropolitan Toronto. Still, while Metro has not been in a position to impose any sanction for non-payment of occupation compensation in the context of events, the posture is not the same in the case of realty taxes. Despite the absence of contractual arrangements between Metro and the residents, realty taxes accrue to the City of Toronto in every year, and sanctions can be imposed for failure of payment.

The Island residents do have what I consider to be an acceptable realty tax payment record.

Those who support the contention that the Islanders should be allowed to remain point to the age range of the Island residents and their length of residence on the Islands. Significant numbers of the adult population have lived on the Islands their entire lives or since early childhood. A substantial portion of households have residents who have been on the Islands for more than 20 years. It should be noted, however, that statistics on length of residence by household have been composed so that each household was categorized by the longest residing household member, and do not take into account that other

residents in that house are more recent occupants of the Islands. Further, the data have been formulated to take advantage of mobility within the Island community. In other words, a resident's length of time on the Islands need not have been at the same address. In addition, many of the long-term residents have occupied their homes on a "summer only" basis.

Supporters of the Island residents also allude to the fact that the Island population is comprised of a share of "senior citizens" and a sizeable number of "dependent" children.

It is also claimed in favour of the residents that they use their homes for shelter purposes and are not interested in making profits from the properties. There was no evidence before the Commission of any property speculation. There was, however, an indication of dealings in Island homes by way of purchase and sale. Because of the status of the situation with Metro, which saw no leases since 1974, these transactions appear to have been by bill of sale and have not been registered. A market of this type is certainly undesirable.

There is a trend to "year-round" living, indicating that Island homes are not generally considered as "luxuries" for summer recreational use, but serve to fulfill one of the necessities of life. Yet, there are still a number of

summer Islanders who have housing available on the mainland, and do not require Island accommodation.

About 25 per cent of the Island homes are occupied by "tenants" of "absentee owners" who collect rents and profit thereby. This is cited as a reason in support of doing away with the community. The arrangements between "landlords" and "tenants" indicate that rental rates charged are reasonable and often very low in to-day's marketplace. Island homes have served as low rental accommodation for persons who would have an extremely difficult time finding a similar type of shelter on the mainland. Fifty per cent of "tenant" households have "dependent" children and one-half of these households are single-parent families.

If the residential community were to continue, careful attention would have to be directed to what is to be done in the case of any contests arising between "tenants" and "absentee owners".

While I am of the view that no one should make profits from Island homes, an arrangement allowing accommodation within the reach of low income families is most desirable.

A final consideration in assessing whether or not the residents deserve to stay relates to the criticism made of Island residents that they have been defiant and arrogant in their efforts to remain on the Islands. Having come to

the conclusion that the residents have exercised those rights afforded by law and within the democratic process, I do not see a need to comment further on this criticism.

Although the matters considered in this section disclose that there have been some negative features, the total picture I saw did not lead me to conclude that the residents do not deserve to remain on the Islands.

Are the Homes Worth Saving?

Whether or not Island homes are worth preserving for their architectural and historical significance was considered by the Toronto Historical Board. The Review Committee of that Board concluded that they were not.

In the case of Ward's Island in particular, the layout of houses in close proximity poses a fire safety problem. The potential for combustibility is enhanced by the nature of Island homes generally (frame construction), the existence of combustible materials both inside and proximate to the houses, and the methods of heating. From a fire safety perspective, the condition of the homes has been described as "unacceptable". Suggestions were made that certain of the homes should be demolished or relocated to decrease the risk of conflagration.

Since at least 1973, it has been apparent that significant expenditures would be required to bring Island residences up to the minimum standards as prescribed in the City of Toronto's housing by-law. About 90 per cent of Island homes currently show violations of a health and safety nature, and all but two houses have violations of the housing by-law generally.

In my view, the City of Toronto, which was supposed to enforce at least those parts of the by-law relating to "health and safety" matters, has been remiss in its responsibilities. No reasonable explanation was given

for the failure of the City's Buildings and Inspections Department to ensure that Island homes were maintained even at this minimum state of repair. I was told of the City's plans to notify residents of the infractions and to take measures to prevent continuing violations.

In particular, those violations that relate to the potential for combustibility and to current sanitary conditions (described as "intolerable") cry out for rectification. So far as major problems (foundations, drainage, plumbing and combustible finishes) are concerned, the situation at Ward's is far worse than on Algonquin.

Repair costs to bring all homes in compliance with Housing By-law 73-68 were estimated at \$1,728,558. Costs to comply with "health and safety" matters alone were estimated at \$354,849.

The average cost for complying with housing standards at Ward's is an amount over \$8,000. and on Algonquin over \$5,000. Average cost to comply with health and safety violations at Ward's is almost \$2,000. and on Algonquin just over \$900. The range for by-law compliance at Ward's Island is from about \$250. to over \$18,000. The parallel range on Algonquin is from \$135. to about \$19,000.

These figures give one an indication of just how expensive it would be to bring the premises into compliance with minimum housing standards. The costs of "rehabilitating" a residence beyond minimum standards would be even more expensive. There is, of course, room for reduction in cases

where the residents themselves do the work.

One wonders whether it would be economically viable to salvage certain of the homes requiring such major expenditures. Each building would have to be considered on its own merits.

The sum total of the evidence indicates that the sewage disposal arrangements for Island homes are clearly inadequate. In my view, without the provision of an adequate sewer system to the residential community, it would not be worthwhile to save the homes. The evidence is that Metro's existing system on the Islands would accommodate the residential community's needs in this regard. For the community at its present size, estimated installation costs are \$1.1 million and the annual operating costs are estimated at \$26,000. A connection cost of \$600. for each residence would also be required. The evidence is that the capital installation costs are customarily borne by the area municipality out of general tax revenues. Individual connection costs are generally paid by the householder.

Refuse collection (currently performed by Metro and billed to the City of Toronto) seems to be satisfactory.

There is no storm sewage system on the Islands and none would be contemplated.

With respect to roads and sidewalks, the evidence was that the network at Ward's is inadequate for emergency vehicular access and should be replaced if the community were to remain. Costs for improving the road system for

the total community are estimated at \$460,000. with an annual operating cost of about \$9,000. If the community were to be retained, the improvement of the roads would follow the installation of a sewer system, to avoid duplicate work.

The supply of water available to the residential areas on the Islands is, according to the evidence, adequate to accommodate a community of its current size. However, watermains on Ward's are susceptible to frost damage. They would have to be replaced should the community remain. Estimated costs to improve the water supply system are \$220,000. Connection costs for water service, generally paid by the householder, are around \$600.

There is conflicting evidence on whether work is required on the street lighting system.

Testimony satisfies me that, apart from the street lighting, the equipment and hydro service supplied by Toronto Hydro are sufficient for the community at its present size.

With its existing equipment, Consumers' Gas has reached the saturation point in its ability to provide service. An estimate, in 1978 dollars, indicates that some \$70,000. would be required to upgrade services and supply natural gas to all 250 homes. The costs of upgrading would be the responsibility of Consumers' Gas and it would be within its purview to decide whether the expenditure was economically feasible.

Maintenance work has now been completed by Bell Canada on Algonquin Island. Once the question of an easement is resolved at Ward's and the maintenance work is completed there, it would appear that the services provided by Bell Canada will be adequate for the community at its present size.

Certain cost figures estimated for an expanded community according to the "Sewell Proposal", are contained in the body of this Report, but are not presented here.

The general condition of disrepair of Island homes might be explained by the uncertainty of the Islanders' situation over the last several years and the difficulty in transporting building materials. They brought evidence that a lot of money and labour were expended on some Island homes during that period, despite the difficulty in getting building materials to the Islands. On the topic of transporting materials, I must say that I do not find the Islanders' criticisms of Metro officials and employees to be fair. Metro has a legislative mandate to develop all Island lands under their control into parkland. Metro Parks happens to operate the ferry service. It would have been inconsistent with, and contradictory to Metro's position to have allowed the Island residents to improve their homes other than for emergency repairs.

The situation regarding building permits has been confusing, to say the least. Some residents managed to obtain them and others could not. Yet others did not bother even to apply for them. One official went so far as to say that building permits were not permissible without going through a procedure which those who obtained them had not undergone.

The evidence shows that major portions of the residential area are prone to flooding when lake levels are high. If there were a sanitary sewer system installed for the residential community, concerns with respect to the health risk aspect would likely disappear. There is still the risk, however, of property damage and, if the community were to remain, some attention would wisely be paid to measures which would minimize that risk.

I am mindful of the policies of the Government of Ontario with regard to the encouragement of and assistance for the renovation and renewal of existing housing resources. The preservation of Island homes would be in keeping with the spirit behind those policies.

Some of the Island residences may not be able to be saved. Others would undoubtedly require a significant investment simply to comply with standards, let alone full rehabilitation. It might be prudent to elevate some of them. Relocation might be indicated in certain instances.

On the whole, I conclude that most of the homes are worth saving. My conclusion is, in part, based upon the will of the residents to save them.

Is the Community Worth Preserving?

What of the history? Most of the physical evidence of the romantic era at Hanlan's and Centre is gone. The evolution of Ward's from a tent city to a cottage community should not be forgotten and is manifested in many of the structures there now. The irony of it all is that the slow and piecemeal construction process has not lent itself to overly sound structures. The structures on Algonquin Island, the history of which is less impressive, are in significantly better shape.

As well as deciding that the Island homes were not worthy of preservation for architectural and historical significance, the Review Committee of the Toronto Historical Board declined to take further action to have the residential area declared an historic site.

The members of the Review Committee are presumably experts and I certainly respect their decision. Had I been a member, I think I might have voted the same way. All the while, however, what they were looking at and what I have been asked to look at are two very different things. The Review Committee was looking at an area of lands and physical buildings thereon. Whether or not people resided in those buildings would mean nothing to them, given their mandate. As I see it, the residential community on the Toronto Islands does provide a link with the past and is an aspect worthy of consideration within my terms of reference.

It is useful in the context of discussing "community" to return to an examination of the Islanders' data relating to length of Island residency. An argument put forward in support of ending the community is that many of the residents are newcomers. In 32 or 13 per cent of the homes, there is a resident that can claim roots on the Islands only within the past one to five years. In an additional 54 households or 22 per cent, the longest Island resident has been on the Islands for between six and ten years. Combining the two, then, in over one-third of the homes the longest residing Island resident cannot claim to have been there more than a decade. This was a decade when the residential area appeared, at most times, slated for parkland.

One must ask the question of how a community works? The matter could be taken to an extreme. It could be expected that all residents must have lived there for at least, say 50 years, before recognizing that it is worthy of preservation. We would then be looking at a community of senior citizens.

A community is a living thing. People are born in it and die in it. People move in and move away. The population is shifting in nature, but it is still the same community. It needs new blood to survive. To cite as a negative factor that there are newcomers is to penalize all of those who claim greater longevity on the Islands. From a community point of view, the newcomers are the lifeblood. Without them, the community might possibly not be there now.

All neighbourhoods are made up of people as individuals and the places in which they live. There is generally something more when you put them together: a sense of community. This may vary from one area to another.

In the case of the Toronto Islanders, they have a head start, stemming from the comparative isolation. Their community accommodates no cars, no theatres, no restaurants and no shopping plazas. In fact, there are no shops, not even a neighbourhood milk store. At one time, there were commercial enterprises located on the Islands and servicing the residents. The removal of these enterprises has not caused the community to fail.

It is not surprising that close associations and neighbourhood ties have developed. There is the Ward's Island Association with its own clubhouse. As well, there is the Algonquin Island Association with its own clubhouse. These are the centres which, in combination, serve as the focal point of the community residents on a year-round basis.

Testimony led before me has contained numerous illustrations of exemplary neighbourly fellowship. It may have been on a one-to-one basis: Bruce Weber, the registered nurse, has an emergency alarm in his home connected to the home of a severely handicapped elderly spinster neighbour who lives on her own. It may have been one helping many: Kay Walker, during the irregular winter ferry service would, after having received word from Metro Parks, transmit on a CB radio network to the

Island residents news of what the ferry movements would be for that day. It may have been many helping one: Christopher Barry returned to his island residence about 24 hours after it had been substantially damaged by fire and found that a great deal of sorting out, labelling, washing, painting, repairing and renewing had already been done.

A sense of community is broadcast beyond the community itself. An example is the offering of an "open house" to Island visitors during the winter who would otherwise not have any facilities available to them. Ruth Putt is another example: she looks after sick and disabled birds on the Islands and welcomes and receives organized visits from groups of students from the Island Outdoor Natural Science School.

There is, however, a flip side of the record. In a report, dated July 27, 1973, signed by Mr. Hugh Clydesdale for the Commissioner of Parks and Recreation of the City of Toronto, the following was said of the residential area on the Toronto Islands:

After investigation, interviews, personal visitations and review, it is my opinion and that of my staff that the residential areas are not generally visited by park users. The atmosphere which surrounds casual pedestrian visitors is such that it is a barren experience and the feeling while there borders on hostility. I recognize that there is no absolute evidence to support this premise, but most of the people involved in the exercise have indicated that their visit to the

residential areas left them uncomfortable and felt that even the air in the area permeated a feeling of intrusion.

Some describe the Island homes as shacks and the residential area as a slum. Others say the Islands are enhanced by the presence of the community and that they prefer the atmosphere of tranquility there.

Community spirit is reflected in the various Island periodicals over the years published by and for the residents. The point is demonstrated also by the establishment in or about 1972 of the Toronto Island Archives. These materials were given over to the City of Toronto and now form part of the City of Toronto Archives.

The concept of community co-operation is also found in the annual animal clinic which arranges for a veterinarian to come over with supplies; the "food co-op"; and the organization called "WARAL" which assisted residents in placing orders and having building materials delivered. Many other examples were brought to my attention.

For a number of years now, it has been "in the cards" for the existing residential community to be brought to an end. In my view and somewhat ironically, this has strengthened the community ties. The Toronto Island Residents' Association was created in 1969 with the immediate function of obtaining an extension of the then existing leases. Since that time, the Association has served as a vehicle having the aim and objective of

protecting and preserving the residential community. Residents have consistently, in a collective way, lobbied before various officers and elected officials at the City, Metro and Provincial levels. For more than six years now, the Island residents have been before the Courts at virtually every level. All of these happenings have undoubtedly taken up a great deal of time. The amount of time devoted by many Island residents to this type of community service must be reaching phenomenal proportions. Very few communities, if any, have waged such a sustained battle over so many years. There is on the Toronto Islands a community spirit which would be a shame to destroy.

I hasten to recognize that these people have met with a great deal of hardship. For many years now, their struggle must have taken its toll. They have endured a lot.

In the following paragraphs, I deal with various services available to the residential community generally.

The Metropolitan Toronto Police Department maintains a police station close to the Centre Island ferry dock. Police staffing is on a 24-hour basis. In low season, there are generally two constables per shift. This swells in high season substantially, particularly on weekends when large crowds attend.

A Deputy Chief who testified before the Commission was unable to say what police services might be diminished or unnecessary should the residential community not be continued. The Deputy indicated that a study of needs would have to be done to furnish an answer, but added that it would be a factor if the ferry service were curtailed during winter months. He said that relations between the police and the residents were excellent.

The cost of fire protection on the Toronto Islands in 1979 was approximately \$500,000. There is one fire station operated by the City of Toronto Fire Department. It serves the entire Toronto Islands, including the Toronto Island Airport. The station is manned 24 hours-a-day on a year-round basis. Station staff is composed of a captain and three additional firefighters. There is no staff increase in summer months, nor is there a decrease in winter months. This makes sense, since there are many buildings on the Islands quite apart from those in the residential community. Risk of fire exists in winter as well as in the summer.

On the question of costs if the residential community were not there, the Fire Chief indicated that an in-depth study would have to be undertaken to see where the needs were and where the responsibility should lie for responding to them. He implied that other levels of government might be involved.

With respect to emergency health services, there seems to be a network of assistance available to the Island residents. This includes community assistance, public health nurses, Metropolitan Toronto Police, Toronto Harbour Police and the City of Toronto Fire Department. No cost factor need be attached to these services.

Looking at the school situation, the Board of Education for the City of Toronto operates the Toronto Island School and the Island Outdoor Natural Science School from the same premises. The operating costs of the school building in 1979 were \$120,000. If the public school were closed, the Board would continue to operate the Island Outdoor Natural Science School. The estimated savings, should the public school close, would be \$2,500. It can hardly be said, therefore, that there is any significant burden upon the taxpayer in providing public school education on the Island to Island children.

With respect to the ferry service, Metro's Parks and Property Commissioner stated that if the residential community were to leave, he would recommend to Metro Council that the winter ferry service be reduced to daylight trips. He estimated that that service would cost between \$91,000. and \$92,000., compared to current costs, including the bus service, of \$225,000. Using his figures, the differential cost to accommodate the Islanders is between \$133,000. and \$134,000.

If the residential community did leave and the ferry service were so curtailed, it stands to reason that winter park visitation would be restricted as well. Moreover, if it were decided to run the ferry service during winter evenings to allow a wider latitude to park visitors and the residential community were to leave, then the Metro Parks ferry service would lose the revenue from the Island residents. In any event, if Metro residents are bearing the tax burden by making good the deficit of the winter transportation for Island residents, there are ways that this can be rectified.

Metro's Parks and Property Commissioner also offered his view that if the residential community were to remain, even at its present size, there should be a freight dock installed at Ward's Island and he estimated the cost thereof at \$1,000,000. This should be the subject of study, in the event that the residential community is to remain on the Toronto Islands. It seems to me that if such a dock is indicated, it could be of value to Metro Parks for its operation of the eastern section of Toronto Island Park. Still, if a freight dock were needed primarily to serve a local community, it would not be fair for Metro residents to have to bear the full financial burden.

Reviewing the services made available to the Islanders as a community, it would be hard to say, all circumstances considered, that the cost of supporting them is very much out of line. The winter ferry service and possible need for a freight dock may, however, be considered extraordinary

expenditures applicable only to the residential community on the Islands.

One matter not yet discussed is the likely negative psychological effect there would be upon several hundred people by uprooting them en masse. This is important to avoid.

It is in this section that I should direct special attention to the verbal and written submissions made to the Commission. The final score of those who took a stand was 134 in favour of retaining the community and 40 against. This translates into a percentage of 77 who support the proposition that the community should stay. These figures are impressive.

Every elected politician who appeared at the Commission's informal hearings supported retention of the community. This included representatives of constituencies embracing the Toronto Islands at the Federal, Provincial and municipal levels. Some weight must be given to their positions.

I side with the majority and conclude that, all factors considered, the community is indeed worth preserving.

Now it remains to weigh the preservation of the community against additional parkland.

Community v. Parkland

When Metro assumed the Toronto Islands in 1956, the plan was that they be entirely developed as a regional park.

It has been claimed, for a number of reasons, that Metro does not "need" the lands upon which the residential community sits for additional parkland.

One of the reasons relates to what is said to have been a substantial increase in waterfront parkland and recreation areas in the Metro region in recent years.

It is interesting to observe the manner of expression or presentation of just what waterfront parkland is available. Those who would want to convey an impression of abundant parks or available parkland point, for example, to "Aquatic Park" (also known as the "Leslie Street Spit") as being part of the inventory. Those of the opposite school call it a "construction site". In the hearings before the Commission, the Spit was clearly a 248-acre political football.

For certain recreational purposes, the Leslie Street Spit is used on weekends and holidays from June to October. Nonetheless, its complete development as a park seems many years away.

I reject the suggestion that if Metro were serious about more parkland, it could assume and develop the Leslie Street Spit. That is far too simplistic. In the current circumstances, that possibility does not seem viable because of a multitude of problems.

There are, however, waterfront facilities of recent vintage which were not available at the time Metro assumed the Toronto Islands. These include Ontario Place and Harbourfront. I must take this into account.

At the same time, I am quick to recognize that the Toronto Island Park is a unique recreational resource. To have islands so close to a massive population, minutes from downtown, and a singular form of popular access, sets it apart from other facilities. I am satisfied that the Toronto Islands are something special and am not convinced that their value as a recreational resource can be measured in terms of other available acreage, even waterfront acreage.

It has also been put forward that the usage of Toronto Island Park has not increased significantly over the years. Why, it is asked, should it have to expand?

Visitation to the Islands is readily capable of measurement because of the ferry access. An examination of ferry statistics since the assumption of the Islands by Metro in 1956, shows a gradual increase to about 1.25 million visitors in 1970, which was the highest year. In the last decade, the figures have remained relatively constant around the 1.1 million mark annually.

Heavy traffic occurs in June, July and August and, more particularly, on weekends and holidays. The data do demonstrate indeed that there has not been any trend to increased visitor usage of the Islands for some years now.

The only available dock distribution figures show that 80 per cent of the visitors choose Centre Island as their destination, as opposed to the other two: Ward's and Hanlan's. One is forced to ask whether the more or less constant usage of the Toronto Island Park has to do with the limited ferry capacity to Centre Island during summer weekends.

From the evidence, I conclude that Metro has already rejected other forms of access to the Islands and no alternative transportation is under study at the present time. Such being so, to whatever extent the ferry operation capacity is a limiting factor on increased attendance, it can be remedied only by more evenly distributing the visitors at Island docks or by increasing the ferry fleet. In respect of the latter, Metro plans to press the "Trillium" into passenger service in the 1981 summer season: a dock is being built at Centre Island to accommodate it. But this certainly will not serve to disperse the crowds. If anything, it will aggravate the situation.

What of otherwise increasing the fleet? In my view, the capital cost-benefit ratio to augment service only at peak times would not make sense.

Metro Parks recognizes that there is a dispersal problem and its Commissioner would recommend that the children's farm be moved to Ward's Island, should the residential community leave. I cannot tell what impact that would have.

To what degree, if any, is the residential community a factor in discouraging the Ward's Island ferry dock as a destination? No conclusive answer to that question can be given. However, it is to be observed that there is also sparse use of the ferry destined for Hanlan's Point, where there is no residential community.

Evidence was brought before the Commission that the issuance of picnic permits has been at fairly constant level over the last 10 years. This is reflected in the ferry passenger statistics.

Testimony was heard about and from concessionaires. I do not consider the gross sales of concessionaires to be a reliable measure of park usage or distribution of visitors. There are too many variables, such as the prices of goods or services, inflation, people's recreational and eating habits, management acumen, and capacity of the facilities, to list only some.

All the while, people usage is not the only yardstick of the worth of a park. As pointed out to the Commission, frogs live in a park too. There is something surely to be said for the preservation of natural environment and beauty, without reference to the turnstile mentality.

Those who wish the community to remain claim that the residential area occupies only a small acreage in relation to the total area of the Islands. Looking at

the Islands as a whole, it is apparent that the various alternative non-aviation uses put forward in 1977 for the Toronto Island Airport have taken and will continue to take a back seat to the present use. Other substantial areas of land on the Islands are committed for private use or government use (for example, Metro's Filtration Plant). Still other areas are inaccessible. It is not meaningful to me, in these circumstances, to talk of percentages of the whole, when determining the whole is such a relative factor.

Although the area of the land is a factor, it is only one factor. Location may be just as, if not more, significant. One acre of land, strategically placed, may be far more valuable as parkland than a much larger tract in another location.

It is true that the residential community is concentrated at one end of the Islands. I can appreciate the comment that it is "out of the way" or "off to the side". This does not, however, take away from the fact that the community takes up Island space which could otherwise be valuable as parkland. Indeed, the expansion of the Toronto Island Park would logically follow to the east.

Another argument raised in support of the retention of the community is the failure of Metro to have a detailed

plan of what it would do if the residential lands were to be developed as parkland. I think that a most unfair contention. How on earth could Metro or Metro staff be expected to prepare any plans for development in such a sea of uncertainty? Have not the residents failed to keep the homes up because of the same uncertainty?

Further, the general concept of development described and proposed by Metro's Commissioner of Parks and Property does not really require a specific plan, taking into account the passive "grass and flowers and trees" philosophy.

In my description of other occupants on the Toronto Islands, I pointed out that there were certain exclusive private uses in addition to the residential use. I refer to the yacht clubs and radio transmission towers.

The leases with Metropolitan Toronto of all aquatic clubs including the IYC, QCYC and RCYC were to mature on July 31, 1980. The die was cast for their renewal, being the subject of a detailed report from Metro's Commissioner of Parks and Property, dated July 15, 1980. That report, proposing that Metro enter into 25-year leases with the boating clubs, was recommended for approval by Metro Executive on July 22, 1980 and approved by Metro Council on September 9, 1980. In the result, I wanted to and did entertain testimony

about and actually from these clubs. The approval of new leases for them afforded me a good opportunity to compare and distinguish.

I heard it said many times that it was unfair to allow the yacht clubs to remain and require the residents to leave.

Is the position taken by Metro - to evict the residents and sustain the yacht clubs - consistent with the legislation? The transfer of the Toronto Islands to Metro, as of January 1, 1956, pursuant to subsection 1 of section 210 of The Municipality of Metropolitan Toronto Act, was expressed to be "subject to the provision of then existing leases" and "for the purposes of section 204". Subsection 5 of section 210 provides that if any of the land so transferred to Metro ceases to be used for any of the purposes of section 204, Metro is required to transfer that land to the City of Toronto, but that requirement does not apply to any land so long as it continues to be used as of January 1, 1956, under any then existing lease or renewal or extension thereof.

Section 204 refers to the acquisition by Metro of land "for and establishing, laying out and improving and maintaining public parks, zoological

gardens, recreation areas, squares, avenues, boulevards and drives" (emphasis added). The maintenance of the residential community cannot by any stretch of the imagination be said to fall within the purposes of section 204. The yacht clubs on the other hand, are presumably interpreted as falling within that category, more specifically probably tied to the words "recreation areas". I cannot help but at least begin to explore the construction of the enquoted words of section 204. Is the word "public" descriptive only of the word "parks" or is it intended to apply, as well, to "zoological gardens", "recreation areas", "squares", etc.? One would think that a "private park" as opposed to a "public park" would not fit within the purposes of section 204. Could it have been the intention of the Legislature to permit Metro to acquire "parks, zoological gardens, recreation areas, squares", etc., but only in the case of "parks" need they be "public"? The other way of looking at it would require each of these entities to be "public". With respect to the consideration here, it would mean that only a "public recreation area" would fall within the purposes of section 204.

What meaning is to be ascribed to the word "public"? It seems to me that it connotes a place to which members of the public have access and would include even a

particular segment of the public, as for example the "boating public". It is clear from an examination of the structures of the three yacht clubs that neither members of the public nor even of the boating public have access to them and their facilities. This state of affairs can be distinguished from, for example, the Toronto Island Marina where members of the boating public may moor their boats. That Marina has limited facilities and, consequently, there does come a time when members of the boating public would be refused facilities. The evidence shows that the Toronto Island Marina takes applications on a first-come first-serve basis. That is a far different situation than exists at the yacht clubs. The way they are operated entails a private determination of who may use their facilities. The fact that none of these clubs have, according to the evidence, utilized in recent times the invocation of what is commonly known as the "blackball" does not really come into the picture. The fact is that there is the capability inscribed in their procedures of exercising in a private and potentially arbitrary way access to and enjoyment of the "recreational area" on public lands.

It is interesting to note, in this context, an argument that was advanced before the Ontario Court of Appeal in 1976 in Atkinson et al. v. Municipality of Metropolitan Toronto. In that case, the island residents were challenging Metro's By-law 220-73 on a number of grounds. That by-law purported to terminate the tenancies of the residential properties. One of the grounds that was put forward was that the by-law discriminated between the residents and the three yacht clubs. Mr. Justice Howland, now the Chief Justice of Ontario, in writing the judgment for the Court, had the following to say:

Furthermore, Metro had power to acquire lands for park purposes from time to time as it saw fit to do so. Under s. 204 of the Act, Metro had the power to pass by-laws to acquire land for public parks and recreation areas. Under s. 210, both the lands leased to the three yacht clubs and the lands on Algonquin and Ward's Islands were vested in Metro for the purposes of s. 204, subject to the existing leases or extensions thereof. If the lands ceased to be used for the purposes of s. 204, then by s. 210(5), Metro was, thereupon, to transfer such lands to the City of Toronto. The effect of the termination of the residential leases was that the lands which had been subject to those leases were then vested in Metro for the purposes of parks and recreation areas. If Metro only requires the lands subject to the residential leases for such purposes and can acquire such lands by terminating the existing leases, it did not have to acquire the yacht club properties which were already being used for recreational purposes, even though on a private membership basis. (emphasis added)

Certainly the Court of Appeal found that the yacht clubs constitute a recreational purpose. The Court made mention of the character of the yacht clubs being a private one. Can the words used by the Court of Appeal be translated into an endorsement by that Court of the principle that a "private" recreational purpose is permissible within the terms of section 204? The Court expressed no concern in noting that the recreational use was a private one. Yet, it did not have to face the issue squarely. The yacht clubs were in existence under lease prior to January 1, 1956. Their status as lessees continued during the currency of the case before the Court of Appeal in 1976 (and has been sustained for the present and beyond). It was not contended in the argument of the appeal in question that the yacht clubs should have to leave the Toronto Islands, but only that the residents should be able to stay. Under the circumstances, the Court of Appeal did not, in my view, have to decide upon the legislative legitimacy of the yacht clubs.

I must not develop this issue further. It becomes a complex matter of legal speculation which would transgress my terms of reference. The extent of my excursion into this area has been purely to give the reader a measure of insight into the legislative context of uses on Toronto Islands. For my purposes, I take it as

constant that the yacht clubs will remain on the Islands, all other things being equal, for a period of 25 years at least.

Quite apart from the statutory framework, is it justified on public land to prefer one private use (the yacht clubs) over another private use (the residences)?

A number of considerations must be included in answering such a question, but surely one of them relates to what use the land best lends itself? The notion that it makes sense to have yacht clubs on the Islands was put to me by a citizen at an informal hearing in less than eloquent terms, but driven home nonetheless: "A yacht club to function, I suppose, needs land and water, and that does exist at the Island in the proper combination." With the shortage of facilities for boaters evidenced by the waiting lists at various clubs and marinas, it makes sense to sustain facilities such as yacht clubs at those limited locations where they can function. No such peculiar geographical limitations can be claimed by residential communities.

Another matter which deserves attention in looking at the yacht clubs vis-a-vis the residential community has to do with physical access. By and large, the yacht clubs are private enclaves with access to them restricted to members and guests. This applies to the total acreage within their leased perimeters. Such a state of affairs

has been brought about either by geography in the sense of being "waterlocked" or the erection of fencing as a barrier. I am not saying that this is not the way it should be. It simply is the way that it is. That is not the case in the residential community. The streets and sidewalks within the residential community are no different than streets and sidewalks on the mainland. Visitors to the Islands are free, should they wish, to walk or cycle through the communities on Ward's and Algonquin.

There was evidence before me that the yacht clubs offer certain activities which, to their credit, see them assuming the role of good citizens. By way of illustration, I mention here the junior sailing programmes not limited to children of members; also the sailing programme for the blind operated by the Island Yacht Club in conjunction with the Canadian National Institute for the Blind. So, too, does the residential community serve the public in certain ways. On winter weekends, members of the public are notified by posting that one of the homes on each of Ward's and Algonquin is available to Island visitors for hospitality purposes. This hospitality, arranged on a rotation basis, includes coffee service and the making available of wash-room facilities.

In the case of the yacht clubs, the use is one of recreation and pleasure. The residences are used for a less glamorous and more vital purpose: housing. For the vast majority of Island residents, it is the only place they live.

It is difficult to ignore the realities of the housing market in the Metropolitan Toronto area. Although an accommodation shortage may be a fact of life for large metropolitan centres to-day, one must think carefully before doing anything which would aggravate an already serious problem.

The land acreage allocated to the yacht clubs exceeds that upon which the residential community stands.

The leases with the radio stations demand examination. Once again, I repeat that when Metro took the Islands over, it was only for parks and recreation purposes, subject to the provisions of then existing leases.

With respect to the CKFH towers, there was a lease in existence when Metro assumed the Islands. I cannot tell, from the evidence before me, the full details of the CKFH lease history and, therefore, whether Metro was bound to continue the arrangement. In passing, I note that the CKFH towers are located on lands shown as being occupied by Metro Works.

The situation relating to the CKEY lease is much different. The lands occupied by CKEY on Gibraltar Point are on what could be considered part of the public area. Moreover, the arrangement was first made with Metro. One would have to be the Oracle at Delphi to convince me that the use of lands in conjunction with radio transmission by a private broadcaster constitutes a parks or recreation

use. Although we are talking only slightly more than two acres, it seems to me somehow that a principle is involved.

The contention is made that Metro has not demonstrated a "need" for the residential lands in question. It is phrased in terms that the onus is on Metro to prove that the residential acreage is required for parkland purposes. I do not agree that there is an onus on Metro. On the contrary, sight should not be lost of the legislative mandate of Metro to develop the park, with the inclusion of the residential area.

Simply for the purposes of argument, however, how can a need for parkland be demonstrated? It might be an easy question to answer in terms of a neighbourhood or local park. In the case of a regional park, however, the question becomes somewhat more complicated. This is especially so here because there already is a park on the Islands. It is not an "all-or-nothing-at-all" situation. Therefore, it is not a matter of there being no park if the community should remain. Rather, it is a question of degree.

The Parks Commissioner for the City of Toronto seems to think that the "shoulder-to-shoulder" test should be used before being concerned with more acreage. I think that is absurd. While the question of crowding is a judgment call, I have not heard evidence of the Toronto Islands being crowded. I do not see lineups for ferry service as constituting crowding in the Park.

It is appropriate, when looking to future use, to look at past and present use. In this instance, the use has been and is residential. If the residential community lands were now vacant, I would personally not recommend that a new housing development be constructed there "from scratch". I cannot, however, ignore the fact that there is a community there.

There were submissions made to me that mixing uses is in accordance with modern planning philosophy. Nothing that I have heard convinces me that the residential community and the park cannot co-exist.

If based only upon the experience of the last decade, I must conclude that despite the beauty and uniqueness of the Toronto Island Park, there is no indication that its usage is going to increase in the the foreseeable future.

I heard conflicting evidence on the projected impact of the energy crisis facing us. The proposition was made by an expert witness that energy supply and cost will contribute to a stay-at-home trend. Another expert witness did not see the cost of energy as having increased in real terms. Frankly, it is such a complicated issue that I did not feel I was in a position to assess the evidence put before me and make a meaningful prognosis. What was I going to do with evidence put before me that, for example, at one time there were 5.78 billion barrels of total established recoverable reserves of oil in Canada?

Population projections made in the previous two decades have not proved to be accurate and estimates for demographic changes have been revised downward by planners in both the City of Toronto and Metropolitan Toronto. Based upon these new projections, there will be less of a consumer population to make demands upon parkland in 2001 than previously contemplated.

Taking the sum total of all my considerations, I come to the conclusion that, while additional parkland would be an appropriate use for the residential lands, the argument for a continued community at this time is more compelling and it is the more appropriate use.

The recommendations in this Report reflect the conclusion I have reached. They deal with the commitment of the lands for residential use for a period of time.

I have based my findings on the situation to-day. What if the demographic projections prove to be significantly inaccurate and there is, for whatever reason, a sudden population surge requiring parkland? What if the energy situation proves to be a factor that I could not fathom and leads to a substantially greater visitor interest in the Islands? Either of these possibilities being realized, combined with a greater capacity for access to the Islands, could result in a heavily increased usage of Toronto Island Park. Other events or trends could drastically change the picture I saw, in advance of the expiry of the period of time for which the land

is committed to residential use.

What is the safeguard? It is the same safeguard that exists in cases wherein property is involved and the general good requires that property. I speak of expropriation. In this connection, I make reference again to section 204 of The Municipality of Metropolitan Toronto Act, which authorizes Metro to acquire parks and recreation areas. To this, I would add reference to subsection 4 of section 2 of the same statute, by which Metro is deemed to be a municipality under The Expropriations Act.

I could not put it in better terms than those used by Mr. Peter Atkinson, on the first day of the Commission's formal hearings:

One cannot say that one community would remain in existence in perpetuity. It is sufficient for our purposes to say that it is our position that the Toronto Island community should be allowed to remain at least until ... situations arise where it would otherwise be obliged to leave. Now those kinds of situations could occur in any community and I'm not just sure what they are and I would like to have it put that the Toronto Island Community should be allowed to have the same status as any other community in the City of Toronto and leave it at that. I wouldn't want to see the emphasis placed on "in perpetuity" because it would seem to accord to the Toronto Island Community even greater status than other communities within the City of Toronto.

Attrition Approach

Bill 5, commonly known as the attrition Bill, has been described in some detail earlier in this Report in the section called "At Queen's Park" in the Chapter on "Electoral Positions". It is not my intention to repeat its description here.

The Bill is said to offer two particularly positive features: that Metro will eventually be assured of its parkland; and that those defined as occupants will be able to remain for life. These are valid observations, so far as they go. Adopting the attrition approach, there would certainly be no mass eviction, nor would the residents of some 222 year-round households be cast upon to-day's accommodation-seeking market at virtually the same time.

The Honourable Larry Grossman had some very interesting comments on Bill 5 which he noted had been called the "slow death" Bill. To call it that, he stated, is to neglect the fact that it also provides some "continuing life". He felt that the Bill is an option which ought to be looked at and indicated that it had a positive side, from a political point of view. In his words: "I firmly believe that the problem surrounding the Islands issue ... is that there are few people who have looked at the issue on its merits alone. It is firmly my belief that over time, as more and more people get elected to Metro

Council who do not have personal, highly personal and intense emotions involved in the issue, that they can begin to assess the issue more objectively. I do not think one can ignore the fact that there are Metro Councillors who are being asked to determine the Islands issue, in the context of some fierce battles that have gone on, that have been fought over the years: some on a personal level, and that it has in some cases boiled down to some members of Metro Council being determined to win a particular battle, against particular people, who happen to occupy particular homes on the Toronto Islands." Mr. Grossman added that it had been his hope that at the very least, Bill 5 would buy some more time, so that almost all of the Toronto Islands community would still be there at the time Metro Council would have on it a majority of Councillors who could approach the issue on the merits only, devoid of their past embarrassments, their past hardened positions, their past disputes and their past intense personal confrontations with the Island residents.

While what Mr. Grossman stated may make political sense, I dare not venture into the arena of political speculation. Moreover, I think frankly that there is no time available to buy.

An examination of Bill 5 on its merits, and the projection of its application were it implemented, convey to me a sense of tremendous problems in prospect.

Take the provision of the Bill requiring Metro and the City of Toronto to maintain the level of municipal services, including bus and ferry service, existing on the day the Act would come into force. True enough, this requirement is qualified by a clause to the effect that if a lower level of services prevails in the City of Toronto from time to time, the lower level would be legally acceptable.

Look at the Metro Parks ferry service. It is the only ferry service. There would be no opportunity ever to provide a lower level of service based upon comparative services in the City, since there simply are none. The ferry service already operates at an annual deficit, with the greatest budget strain occurring during the off-season. During winter freeze-up, the ferry service relies mainly upon the ferry "Ongiara" with its ice-breaking capabilities. Certain costs of the operation of the "Ongiara" are undoubtedly fixed; other costs are dependent upon the number of runs and the hours of service. With attrition, the revenues from the Island residents would steadily decline to the point where the costs of operation and the passengers carried would present an absurd question. So far as I am aware, Metro Parks does not have a smaller boat capable of negotiating ice. I suppose it would be possible to expect dwindling numbers of passengers to travel by bus to cross by the Toronto Island Airport ferry, the "Maple City", as they do now when the "Ongiara" is unable to navigate the ice

or is out of commission. Would the remaining residents have a valid complaint if they claimed that such a course constituted a reduction in services? Apart from the finances, friction between the residents and Metro could be expected.

Needless to say, the bus service would become more and more out of whack, ultimately to become a private chauffeur service.

Other municipal services such as garbage pickup, road and sidewalk upkeep, and street lighting maintenance would all be required at the same level, despite the reduction in household numbers. There are other examples which could be cited.

Moreover, chances are that attrition would not occur in an orderly geographical fashion, but likely on a helter-skelter arrangement. The necessary services would have to embrace a geographical base which would not shrink as quickly as the households. I have not even referred to what the status of non-municipally operated utilities would be.

From an economics point of view, the attrition approach would become a "sore thumb" until its ultimate amputation. Robert Bundy, Metro's Parks and Property Commissioner, agreed that from a financial point of view, the attrition Bill does not make sense.

Over what period of time would this occur? By definition, an "occupant" entitled to a lease must have

reached the age of majority. Let us postulate that the youngest "occupant" is in the vicinity of age 20 years and entitled to a lease. Assuming he or she were to live on the Toronto Islands for the balance of his or her life, and allowing him or her the longevity of an octogenarian, attrition would span some 60 years. This is, of course, all conjecture.

The Bill also contains a provision that neither Metro nor the City of Toronto is required to provide municipal services to the residential lands at a level higher than the level existing on the day the Act comes into force. Such being the case, there would be no municipal duty to provide a sewage system. This does not mean that it would not be permissible to do so, but simply that no duty exists.

From the evidence I have heard, without the extension of the sewer system to the residential portions of the Islands, it would not be worthwhile to save the homes. The attrition factor would, in my view, make the installation of sewage facilities for the residences economically unfeasible.

Capital costs necessary to install the sewage system would involve a highly risky investment. The same would apply to the costs of new watermains required on Ward's and any other capital expenditures. Elizabeth Amer, Co-Chairman, of the Toronto Island Residents' Association, estimated that with attrition the community would be reduced to one-half in seven to ten years.

The wording of Bill 5 is such that it ties the "occupant" to particular lands with respect to which he or she had a leasehold interest or on which he or she resided. If it should happen that fire safety dictates a relocation of the residence, the individual would be "out of luck".

With attrition, Island residents would be reluctant to invest in their homes, as the sense of "community" would rapidly disappear. Whatever anyone's current view is of the residential community, it would certainly become an eyesore, and hardly enhance the aesthetics of the neighbouring parkland.

The definition of "occupant" in Bill 5 causes me some concern in respect of the hardships that it might engender. "Occupant" is defined as a person who is over the age of eighteen who as of a certain date had a certain interest or claim arising out of a lease or was ordinarily resident on the Toronto Islands. The occupant is one person and it is only he or she who would be offered a lease by the City of Toronto. Assume that the head of a household is the occupant and becomes the lessee within the projected attrition Bill. By express provision, the duration of the lease can be no longer than "the life of the occupant". What if, for example, the lessee is the head of a family and is suddenly and tragically killed, leaving a spouse and children surviving? Pursuant to the Bill, the lease would immediately be deemed to be terminated and the family at the very moment of grief be

forced to vacate the premises.

From the Metro Parks point of view, I do not see the prospect of attrition as being an attractive one during the period it would take to accomplish attrition finally. Above, I have said, in postulation, that the time-frame could endure 60 years. In that or whatever the duration, Metro, by statute, would be empowered to use the lands for park purposes or purposes related to the elderly.

Notwithstanding that the Bill contemplates the City of Toronto being the direct landlord of the residents, I think it would be "asking for trouble", given the history, to promote a situation wherein Metro Parks and the remnant community would be neighbours in a checker-board pattern. It is one thing to mix uses. It is still another to intermingle uses. Besides, I seriously question whether it would be meaningful to develop a park use in a minute piecemeal mode within an aura of total contingency. The potential for an attrition solution lasting an unknown period should be weighed against, for example, a definite period of tenure which could at least bring clarity and stability to the scene. In practical terms, I believe that there is likely little, if any, park use, in an attrition programme, available to Metro until the last resident will have vacated.

Use of vacated lands for purposes related to elderly persons is undoubtedly a noble one. My intuition is that the authors of the Bill had in mind that, in suitable instances, the homes would not be demolished. Rather

they would be used to house senior citizens. The relevant question was put to witness Ray Tomlinson, Commissioner of Social Services for Metro. His response makes it clear that the notion lacks viability:

...most of the seniors in our institutions require at least a level of care that would probably eliminate their capability of living in a small house on the Island, but one of the biggest problems would be the lack of any sort of centralized control if they were scattered throughout and the staffing required to control and supervise would just become astronomical. You've got to centralize the accommodation for the seniors to provide the services and programming necessary for them.

In the light of my analysis thus far, I do not find it necessary to enter into a discussion of such matters as police and fire protection and the school situation within an attrition framework. Many of the factors already discussed would apply.

The passage of Bill 5 would not be a wise move. Sooner than I would recommend its enactment, I would recommend that the Toronto Islands residential community be sacrificed.

Before finally putting Bill 5 to rest for my purposes, I should direct some remarks to a concept in the Bill which will have a bearing upon my recommendations. The key individual identified in Bill 5 is the "adjudicator". It is

he or she who would decide all manner of things in resolving disputes, ascertaining levels or standards of services, determining responsibilities for costs, et cetera. The adjudicator's role would last until the attrition process was at its final destination, perhaps many years away. According to the Bill, the adjudicator would be appointed by Cabinet. I am of the view that the Government of Ontario has properly become involved in this matter. I do not, however, see the Province having a long-term role in the Islands issue. To the extent that any legislation is indicated once the final resolution is reached, that legislation should be passed. Thereafter, the Province should, so to speak, "leave the scene".

RECOMMENDATIONS

RECOMMENDATIONS

Having reached the conclusions which I have, the main recommendation flows easily.

I RECOMMEND THAT THE FUTURE USE OF THE LANDS ON ALGONQUIN ISLAND AND WARD'S ISLAND IN THE CITY OF TORONTO, THAT ON THE 19TH DAY OF OCTOBER, 1979 WERE OCCUPIED AND USED FOR RESIDENTIAL PURPOSES, BE THE SAME AS THEIR USE ON THAT DATE.

The lands comprising the Toronto Islands are a unique recreational resource. Even though part of the lands may be allocated for a period to a private residential use, ownership of the lands should always remain in the public domain.

I RECOMMEND THAT THE SUBJECT LANDS REMAIN NOW AND FOREVER IN PUBLIC OWNERSHIP.

I have been proceeding on the basis that, for all practical purposes, the lands comprising the Toronto Islands, including the residential portions, but excepting the Toronto Island Airport, are now owned by Metropolitan Toronto, provided that they are used for parks and recreation. The legislative authority for this proposition is contained in

subsection 1 of section 210 of The Municipality of Metropolitan Toronto Act, the provision which invested the the lands in Metropolitan Toronto for the purposes of section 204 (parks and recreation purposes). All of this is subject, of course, to any interest that the Toronto Harbour Commissioners may have.

If the residential community is to remain, it would not be in keeping with the legislative terms under which these lands were vested in Metro. Indeed, the legislation goes further and actually contemplates the transfer of lands back to the City of Toronto should the lands not be used for purposes of parkland and recreation. It is unlikely that the Legislature could have foreseen, some 25 years ago, what were to be the ensuing developments. Subsection 5 of section 210 of the Act deserves close examination at this stage. It reads as follows:

If any of the land vested by this section in the Metropolitan Corporation and any land comprising Toronto Islands, which is hereafter conveyed by The Toronto Harbour Commissioners to the Metropolitan Corporation, ceases to be used for any of the purposes of section 204, the Metropolitan Corporation shall thereupon transfer such land to the City of Toronto and no compensation or damages shall be payable to the Metropolitan Corporation in respect thereof; provided this subsection does not apply to any land so long as it continues to be used as at the 1st day of January, 1956, under any then existing lease or renewal or extension thereof.

If the residential community does remain, it would not do so under a lease or renewal or extension of a lease existing as of January 1, 1956. The arrangement would be altogether new. It cannot be said that the residential lands have ceased to be used for parks and recreation purposes, because Metro has never used them for those purposes.

Nonetheless, it is a fair interpretation of subsection 5 that, should the residential community be given a form of tenure, the fulfillment of that subsection as it now reads would require a reconveyance of the residential areas to the City of Toronto. Since I am looking at the entire matter afresh, I take the position that such a reconveyance need not necessarily follow, but the question should be re-examined in the context of all of my recommendations.

While the City of Toronto would like to see the residential lands transferred to it, I see little strength in any argument put forward to justify such a transfer. On the other hand, there are a number of cogent reasons why Metropolitan Toronto should retain ownership.

Fragmented ownership is all too prevalent in the central waterfront and, so far as I can tell, that state of affairs has certainly not enhanced expeditious and

comprehensive planning. So far as it can be - given that the Toronto Island Airport is in different hands - the Toronto Islands should have a single owner. One body should be able to face the future head-on in a consistent and even-handed manner. The Toronto Islands are primarily a regional resource operated for the benefit of the people in the region by, from what I have seen, a strong and able regionally oriented Department - Metro Parks. The same Department operates the essential mode of access to and from the Islands in the form of the ferry service. It makes sense to leave ownership in Metropolitan Toronto.

I RECOMMEND THAT THE OWNERSHIP OF THE
RESIDENTIAL PORTIONS OF THE
TORONTO ISLANDS BE IN THE
MUNICIPALITY OF METROPOLITAN
TORONTO, NOTWITHSTANDING
THEIR RESIDENTIAL USE.

Regarding the subject of title to the Toronto Islands, I repeat my belief that the Toronto Harbour Commissioners still have a very real legal interest in a sizeable tract of the Islands, including residential portions. It is not meaningful that they should retain such an interest. In the words of Commissioner Karl Jaffary, "we do feel a little awkward being the landlord of the land on which most of the homes sit". The Harbour Commissioners agreed

to convey title to either the City or Metro, subject to the approval of the Federal Government. That approval was obtained on July 12, 1956, but no formal transfer was made. It should be made, and to Metro. My comments here do not apply to the Island Airport lands of which the Toronto Harbour Commissioners appear to own about 75 per cent.

I RECOMMEND THAT THE TORONTO HARBOUR
COMMISSIONERS FORMALLY CONVEY TO
THE MUNICIPALITY OF METROPOLITAN
TORONTO OWNERSHIP OR WHATEVER OTHER
LEGAL INTEREST THEY MAY HAVE IN
THE LANDS COMPRISING THE TORONTO
ISLANDS, EXCEPT SUCH PORTIONS OF
ALL SUCH LANDS AS ARE SET ASIDE
AND USED OR REQUIRED FOR THE
PURPOSES OF THE TORONTO ISLAND
AIRPORT.

The next point to be dealt with relates to the municipal administration of a continued residential community. Metro's Parks and Property Commissioner testified that his Department is equipped to administer the community. Certainly, Metro Parks is already located on the Islands and has been landlord of the residential community for many years. In June of 1980, there was an amalgamation of the

Parks Department and Property Department. Metro has an inventory of residential properties which are managed by the Parks and Property Department.

Metro services for the Islands include the ferry and bus operations, refuse collection and water supply. Police protection is provided at the Metropolitan Toronto level. The sewer system already on the Islands, which I consider so vital to a continued community, is a Metro Parks endeavour. Because the Islands are such a unique resource for all of Metro, any residential area should be wholly compatible with the primary parkland setting. Metro would, if it administered the community, be in a front line position to ensure that this happens.

On the negative side, it was Metropolitan Toronto Council which, in 1973, after looking at the matter carefully, made a deliberate choice to bring the residential community to an end. The past several years have seen court battles between Metro and the Islanders and this has obviously taken its toll. There has been, since 1973, a significant amount of friction between "Metro" and the residents. This is not to suggest that either "party" was ever at fault. The parties were operating at cross-purposes, often on collision course, and some collisions occurred.

It would be unwise in my view to thrust these parties together now.

Directing attention to the broader perspective, was it ever the intention that a regional government, such as Metro, be involved in the day-to-day matters of a neighbourhood? I think not. Moreover, and of extreme significance, the broad population of Metro should not be supporting a community in a particular area municipality and shouldering the financial responsibility for those services normally provided by the local government. This should not happen, even in appearance.

The City of Toronto, on the other hand, supports the retention of the Island community. It sees the residential community on the Islands as a vital part of its history. Evidence given and arguments made before the Commission at its hearings clearly demonstrate that the City of Toronto is ready, willing and anxious to govern the Island community. The very demeanour of City officials who testified gave me the sense that the Islanders have a great deal of support and sympathy available to them at the City side of City Hall.

That the City of Toronto is equipped to deal with the administration of a retained Island community cannot be questioned. If the residential community is to be

preserved, there are many planning aspects that would require early attention. These include matters of elevation and relocation of Island homes. There must be immediate resolution of any contests arising with respect to the occupation of particular residences. It is more suitable and preferable that the local municipality become involved with neighbourhood matters.

If the ownership of the lands remained with Metro, Metro would still have the opportunity to ensure compatibility of the residential area with the Toronto Island Park.

I RECOMMEND THAT THE CITY OF TORONTO
ADMINISTER A CONTINUED TORONTO
ISLANDS RESIDENTIAL COMMUNITY.

Examining now the question of the size of a continued Island community, there are two significant arguments in support of expanding it: economics and the provision of additional housing.

An expanded community would be financially more attractive. It would spread capital and operation costs of works and services over a broader base. On the face of it, additional services such as neighbourhood shops might become viable. Winter ferry service deficits would likely be reduced. The making available of more housing accommodation in the City is a desirable goal in itself.

The last official vote at Toronto City Council supported an expansion population-wise of something close to doubling.

On the other side of the coin, an expanded community would involve costs to be borne where they should not be. A doubling of the community, for example, would require the acquisition by Metro of an additional ice-breaking vessel to provide winter transportation to the increased population, at an estimated cost of more than \$1,000,000. Other costs of a similar nature may be entailed, such as for ancillary bus service.

By far the most compelling argument against expanding the geographical area of the residential community is that it would subtract parkland acreage. I have already stated that if the residential community were not there now and the lands were vacant, I would not recommend that a new housing development be constructed there. It would contradict the views I hold, after having studied all of the issues involved, to put forward a recommendation which would take away existing parkland.

The retention of the community at its current geographical size would still allow for some flexibility which would be desirable in the event that, for safety purposes, relocation of certain residences to vacant lots now available were required.

It should be recognized, as well, that the community, as a community, has survived and thrived for a sufficient number of years now to demonstrate that it is viable at its present size.

I RECOMMEND THAT THE RESIDENTIAL COMMUNITY
ON THE TORONTO ISLANDS REMAIN
ESSENTIALLY AT ITS PRESENT SIZE.

The vehicle for implementing a scenario which will see Metro continuing to own the lands, and at the same time allowing the City to administer the community, is a lease from Metro to the City. The lands which are the subject of such a lease should be such that would amount to the least intrusion possible upon the parkland. The lease to the City would include the lands upon which the houses and Clubhouses now sit, the vacant lots within the residential areas, and the roads and sidewalks adjacent thereto. Such a division would afford Metro Parks the opportunity to continue to develop its parkland programme in the eastern section in a manner which is complementary to the residential area. The actual details on a metes and bounds basis should be worked out by the City and Metro, and should allow some flexibility that may appear sensible when the details are negotiated.

I RECOMMEND THAT A LEASE OF THE RESIDENTIAL
LANDS AS THEY CURRENTLY EXIST,
ALLOWING FOR SOME PLANNING
FLEXIBILITY, BE GRANTED BY THE
MUNICIPALITY OF METROPOLITAN
TORONTO TO THE CITY OF TORONTO.

Concerning the length of such a lease, a number of factors should be taken into account. The term should be long enough to afford a period of stability for all concerned. It should also make sense from an economic point of view, bearing in mind municipal capital expenditures such as the installation of a sewer system and the investment required to bring the homes up to standards. The evidence suggests that a period in the neighbourhood of 25 years would be appropriate. A time-frame in this order would commit the lands in question for about a generation and afford an opportunity for reassessment at that time. It would be unhealthy for the dispute to arise again in this generation.

There is a particular prospective event that suggests that the term should be for slightly less than 25 years. The recently authorized leases for the yacht clubs on Toronto Islands will expire on July 31, 2005. Metropolitan Toronto will be faced before that date with deciding whether those lease arrangements should be extended. If the length

of the lease to the City of Toronto were also to mature on that date, Metro would be in a position, assessing all circumstances prevailing then, to look at the two types of private uses at once. The period of time suggested would be long enough to give the community stability, yet protect the potential needs of the next generation.

I RECOMMEND THAT THE LEASE FROM THE
MUNICIPALITY OF METROPOLITAN
TORONTO TO THE CITY OF TORONTO
BE FOR A PERIOD UNTIL JULY 31,
2005.

A continued residential community will be on lands that would otherwise have been parkland available for the citizens of Metropolitan Toronto. Metropolitan Toronto and its population should, accordingly, enjoy the benefit of an appropriate income by way of rent from the City of Toronto. That rent should be based upon the fair market value of the lands, not as parkland, but as lands used for residential purposes. If that value cannot be agreed upon, it should be determined by arbitration. Periodic rental reviews should be required to ensure that Metro is in a position to reap the benefits of any profits arising from the community. Such reviews should be conducted at intervals of no longer than five years.

I RECOMMEND THAT THE RENT PAYABLE FROM THE CITY OF TORONTO TO THE MUNICIPALITY OF METROPOLITAN TORONTO BE AT THE FAIR MARKET VALUE OF LANDS USED FOR RESIDENTIAL PURPOSES, AND BE SUBJECT TO REVIEW AT INTERVALS OF NOT MORE THAN FIVE YEARS, FAILING AGREEMENT BETWEEN THE PARTIES, THE RATES SHOULD BE DETERMINED BY ARBITRATION.

I turn now to the subject of the residents of the Toronto Islands.

It is my view that, apart from the special Act of the Legislature suspending Metro's process until July 1, 1981, no person has any right to reside on the Toronto Islands. It is my further view that no person has a claim to ownership in any Island home. Metro owns the lands and the residences.

Who should be allowed to live on the Islands?

Because the spirit of the main recommendation is to preserve the present community, the approach should be to protect its present full-time members.

The record shows that the vast majority of Island residences are occupied on a year-round basis by the same people, making it their sole place of abode. This is a situation which has become more pronounced in recent years, with a number of previously seasonal residents opting for

full-time residence on the Islands. "Summer Islanders" or, as they would prefer to call themselves, "permanent but less than full-time Islanders", make up but a small percentage of the residents on the Islands and for the most part are concentrated at Ward's.

It is the submission of the Island residents that there ought not to be any more summer residents, but that the current ones should be protected. What is being advocated for them is a "grandparent clause" or a form of attrition.

Statistics show that the remaining "Summer Islanders" have longer residential ties to the Islands than the Island residential population as a whole. There are undoubtedly some elderly persons involved. I am sure that, as was put to me, they have "contributed to the life and spirit of the community". It is likely that they have supported the fight to save the community.

At the same time, the summer residents have somewhere else to live in the off-season. They have two places of residence, and stay on the Islands for a time within their discretion. It cannot be said that an Island home is their only place of "shelter". If my main recommendation is implemented, all other things being equal, the summer residents will be in a position to take up full-time

residence on the Islands should they decide to do so. Failing that, it seems to me that to permit a continuation of seasonal residence on the Islands (even on an attrition basis) would contradict one of the hallmarks leading to my main recommendation: the preservation of one's very home. While it is only a sense, I believe that most people would share my view in this regard. Any continued community on the Toronto Islands cannot afford the luxury of providing a summer cottage to anyone.

I RECOMMEND THAT ISLAND RESIDENCE BE
RESTRICTED TO THOSE WHO PLAN
AND UNDERTAKE TO RESIDE THERE
ON A YEAR-ROUND BASIS.

The statistics gathered by the Commission show that 62 (roughly one-quarter) of the households are "tenant" occupied, with the "landlord" living elsewhere. A total of 151 people live in those 62 homes. Some of the absentee "landlords" may have lived on the Islands and left with no intention of ever returning. Others may have left due to the instability of the tenure situation. With the creation of stability, some absentees might be inclined to return. If that should occur, a contest might be created with the current occupant. Who should have priority? The answer

cannot come easily because each situation will have its own history and individual circumstances. Generally speaking, however, the "landlord " will have been collecting rent for property which he or she did not "own" at any time after August 31, 1975. Therefore, any rents that have been collected have been a bonus to which they could not fairly lay claim. On the basis that the current members of the community are deserving of protection, I am led to the conclusion that the current resident must be preferred to the absentee. To follow such a line may work a hardship or bring about a situation which, in the individual case, does not seem fair. In those instances where the absentee wishes to return and the residence is taken up by the "tenant", the absentee should be given some priority to other Island accommodation which is then or may become available.

I RECOMMEND THAT, IN A CONTINUED RESIDENTIAL COMMUNITY, THE CURRENT OCCUPANT BE GIVEN PREFERENCE OVER AN ABSENTEE "OWNER" AND THAT AN ABSENTEE "OWNER" BE GIVEN PREFERENCE OVER ANY NEWCOMER.

What should be the arrangement between the City of Toronto and the individual residents? The problem is mind-boggling. I repeat my view that Metro owns the lands and houses. In law, the Islanders are entitled to nothing. The scheme, as I envisage it, will allow them to remain in their homes and the community to continue.

Certain undesirable features could flow from giving the community a renewed life. To grant a form of tenure in the housing market where none existed before is to create instantly an asset of substantial worth. It lends itself to windfall gains, corresponding profits and a field for speculation. We must jealously guard against any of these eventualities. The formulation of the details of a leasing mechanism which will prevent profiteering in these circumstances is difficult, to be sure. Nevertheless, I do believe it can be accomplished.

The previous leases were non-compensable and no resident, even though he or she may have been a tenant of Metro, can expect to receive equity. Indeed, the Islanders have said their homes are for shelter and enjoyment and not for investment. They should be given leases by the City of Toronto for specific periods of time, not to exceed three years, the rent being at fair market value, to be explained later. Assuming they comply with the terms of the lease, lessees should have the right to renew automatically up until the date that the head lease between Metro and the City expires

on July 31, 2005. On that date, there should be no compensation to the tenant. Should the tenant leave before the expiry of the lease or a renewal thereof, then the lease should be deemed at an end. To allow the lease to be placed on the market for assignment by the lessee is to open the door to undeserved private profit at public expense and to pave the way for speculation. It would make one think twice about why the community had been preserved.

In the scheme I propose, the City would inherit the surrendered lease and replace the tenant. It could place the house on the rental market, with or without selection criteria. It could arrange that a percentage of homes be let on a subsidized basis to permit low income families to live on the Islands. This may be indicated for some Islanders at the very outset. The City might wish to arrange a programme of non-profit housing. Any number of existing schemes are available and there is room for innovative ideas.

The City would, in effect, be totally in control by holding the "key" to the situation: the exclusive right to grant a lease.

Cognizance must be taken, however, of the realities of the general condition of disrepair of the Island residences at the present time. Many of them will require heavy expenditures simply to bring them to minimum standards. The absence of a right to assign a lease would certainly serve as a disincentive to spend large sums. For that

reason, although I still maintain that the leases should be non-compensable as of July 31, 2005, I think it only reasonable that a lessee be reimbursed by the City, upon the early surrender of a lease, for the basic improvements made. As I see it, the reimbursement would be for the depreciated value of the improvements the lessee made during the term of the lease, taking into account as well the factor of the length of the remaining term of the City's head lease with Metro. The City would indirectly recoup these reimbursement payments as they would be reflected in the enhanced worth and resultant increased rents when the property were re-leased.

Carefully detailed provisions in the leases should outline reimbursement regulations. One would not want to see the City give reimbursement for what might be called lavish decoration. Perhaps a system of prior approval or agreement could be incorporated.

Although the tenant would have no right to assign a lease, there should be some flexibility for subletting with the consent of the City in instances where the tenant is required to leave for a short period (for example, because of an employment assignment), but it is his or her intention to return.

The extent to which, if at all, a co-operative housing scheme, and I am thinking particularly but not exclusively of the Toronto Island Residents' Housing Co-operative Inc., could be woven into the plan proposed, I am not sure. So long as the broad general principles enunciated (if adopted) are respected, the actual details become less significant.

Now I turn to a discussion of what I mean by fair market value in these circumstances. I mean the value of the land and of the residence in its current unrepaired condition. In other words, a lessee should not have to pay a higher rental reflecting the repair or improvement costs which he or she will be bearing.

So long as the lessee continues to be the lessee, even after the repairs or improvements are completed and even though there may be renewals intervening, there should be no rental increase arising from any enhanced value of the residence resulting from the repairs or improvements paid for by the lessee. I would include any connection costs for sewage and water supply hook-up in the category of repairs and improvements.

So, in the ultimate case of new construction, the fair market value of the land alone would be the applicable rental rate. If such a tenant were to surrender his or her lease before 2005, he or she would be entitled to reimbursement according to the formula already mentioned.

In instances of relocation, it would be reasonable to include in the repairs and improvements category all costs to move the residence to its new site. Reimbursement upon early surrender could reflect relocation costs according to the prescribed formula.

I should not presume to set down here all of the necessary details.

I RECOMMEND THAT THE LEASING PROGRAMME BY THE CITY OF TORONTO BE SUCH THAT THERE IS NO ROOM FOR WINDFALL GAINS, CORRESPONDING PROFITS OR SPECULATION IN TORONTO ISLAND HOMES,

I RECOMMEND THAT THE CITY OF TORONTO GRANT LEASES TO INDIVIDUAL RESIDENTS FOR SPECIFIC PERIODS OF TIME NOT TO EXCEED THREE YEARS AND THAT SUCH LEASES PROVIDE FOR:

- (A) RENT TO BE AT FAIR MARKET VALUE AT THE COMMENCEMENT OF THE LEASE;
- (B) PERIODIC RENEWALS UNTIL JULY 31, 2005;
- (C) NO COMPENSATION AS OF JULY 31, 2005;
- (D) A PROHIBITION OF ASSIGNMENT;
- (E) TERMINATION UPON THE LESSEE CEASING TO RESIDE ON THE PREMISES;
- (F) REIMBURSEMENT TO THE LESSEE FOR REPAIRS AND IMPROVEMENTS ACCORDING TO A FORMULA UPON TERMINATION OR SURRENDER;
AND
- (G) A LIMITED RIGHT TO SUBLET WITH THE CONSENT OF THE CITY.

I RECOMMEND THAT THE CITY OF TORONTO GIVE
CONSIDERATION THROUGH ITS LEASING
PROGRAMME TO SUBSIDIZED HOUSING
FOR LOW INCOME TENANTS.

It is my belief that most, if not all citizens of Metro would think it unfair that any resident of the Islands should be given a chance to remain there without having paid in full to Metro all arrears of occupation compensation. More than \$150,000. is outstanding. It should have to be paid together with interest. Interest should be calculated, for want of a better formula, on the same basis and at the same rates that would have been applicable to realty tax arrears. If the individual does not want to pay it, he or she has no business to stay.

I RECOMMEND THAT IT BE A CONDITION PRECEDENT
TO THE GRANTING OF A LEASE THAT
THE RESIDENT PAY TO THE MUNICI-
PALITY OF METROPOLITAN TORONTO
THE FULL AMOUNT, TOGETHER WITH
INTEREST, OF ANY AND ALL
OUTSTANDING OCCUPATION COMPENSA-
TION RELATING TO THAT RESIDENT.

A quick and intensive planning process will be necessary to ensure that a renewed community gets off on a solid footing. If a retained community is to be under the administration of the City of Toronto, its Planning and Development Department would be the appropriate body to take the immediate initiative to establish and develop this process. It may be that that Department would seek the involvement of the Island residents.

During the planning process, while capital works are being put in place, and until the time that full compliance with housing standards can reasonably be expected, compliance with certain basic interim standards should be expected. These standards should be sensible in that they recognize the extraordinary circumstances in which the residents find themselves but, at the same time, should addresss fully health and safety aspects in the interim.

Standards during the interim period should be prescribed by the Council of the City of Toronto on the advice of both the Department of Planning and Development and the Department of Buildings and Inspections.

Once promulgated, interim standards should be enforced.

I RECOMMEND THAT THE CITY OF TORONTO'S PLANNING AND DEVELOPMENT DEPARTMENT UNDERTAKE AN IMMEDIATE AND COMPREHENSIVE PLANNING PROCESS WITH RESPECT TO A RENEWED RESIDENTIAL COMMUNITY.

I RECOMMEND THAT COUNCIL OF THE CITY OF TORONTO, ON THE ADVICE OF ITS DEPARTMENT OF PLANNING AND DEVELOPMENT AND DEPARTMENT OF BUILDINGS AND INSPECTIONS, PRESCRIBE APPROPRIATE HOUSING STANDARDS, WITH DUE REGARD FOR HEALTH AND SAFETY, APPLICABLE TO ISLAND RESIDENCES DURING AN INTERIM PERIOD.

I RECOMMEND THAT, ONCE PROMULGATED, APPLICABLE HOUSING STANDARDS FOR THE INTERIM PERIOD SHOULD BE ENFORCED AND, THEREAFTER, FULL COMPLIANCE WITH HOUSING BY-LAW 73-68 SHOULD BE REQUIRED.

The sum of the evidence relating to fire safety and the risk of conflagration causes me concern. That risk appears greater at Ward's, particularly because of the closeness of the homes, one to another. Suggestions were made that certain of the homes should be demolished or relocated.

From an economic point of view, it may be that some of the homes should be demolished, as they have outworn their usefulness.

In cases where demolition is necessary or where a home, because of fire risk, should not remain in its present location, it would be unfair to deprive the residents of Island living.

There should be an opportunity for relocation and new construction where indicated or required.

From a map supplied by Metro, one sees 16 lots in the residential area shown as vacant: 4 on Algonquin Island and 12 at Ward's Island.

It should be noted here, as well, that the evidence discloses that Metro is in possession of two houses on Algonquin Island. Perhaps these structures could be allocated to two families who, as a result of the planning process, must be displaced.

I RECOMMEND THAT AN IMMEDIATE STUDY BE CONDUCTED BY THE CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT IN CONSULTATION WITH THE FIRE CHIEF FOR THE CITY OF TORONTO TO DETERMINE FROM A FIRE SAFETY POINT OF VIEW THE NEED FOR RELOCATION OF ANY ISLAND HOMES.

I RECOMMEND THAT VACANT LOTS IN THE RESIDENTIAL AREA BE MADE AVAILABLE TO RECEIVE ANY HOMES REQUIRING RELOCATION BECAUSE OF FIRESREADING RISK.

I RECOMMEND THAT DEMOLITION AND NEW CONSTRUCTION OF ISLAND RESIDENCES BE PERMITTED WITHIN THE RESIDENTIAL AREA IN THOSE CASES WHERE THE EXISTING RESIDENCES DO NOT LEND THEMSELVES ECONOMICALLY TO REHABILITATION.

Because of the concern of flooding resulting from high lake levels, some homes would wisely be elevated or relocated to higher lands within the residential area. The Metropolitan Toronto and Region Conservation Authority is a body which has a great deal of expertise in the field of human habitation in flood-prone areas.

I RECOMMEND THAT AN IMMEDIATE STUDY BE CONDUCTED BY THE CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT IN CONSULTATION WITH THE METROPOLITAN TORONTO AND REGION CONSERVATION AUTHORITY TO DETERMINE THE NECESSITY OR DESIRABILITY OF ELEVATING OR RELOCATING ISLAND HOMES.

I RECOMMEND THAT VACANT LOTS IN THE RESIDENTIAL AREA BE MADE AVAILABLE TO RECEIVE ANY HOMES REQUIRING RELOCATION BECAUSE OF FLOODING CONCERNS.

If and once it is decided to retain the residential community, efforts should immediately be directed to the sewer installation. The earliest completion date that can be hoped for is some time in late 1982. In keeping with general practices, the capital construction costs should be borne by the local municipality and connection costs from the lot line should be the responsibility of the individual householder. Operating costs of the system should be shared between the City and Metro according to an equitable formula relating to use. Needless to say, Metro would be expected to co-operate in granting the City an easement in the lands necessary for the sewer extension.

I RECOMMEND THAT CONTINGENT PLANS AND PROPOSALS FOR THE INSTALLATION OF A SANITARY SEWAGE SYSTEM TO SERVICE THE RESIDENTIAL COMMUNITY BE IMMEDIATELY REVIEWED AND REFINED AS NECESSARY WITH A VIEW TO EARLY CONSTRUCTION AND CONNECTION TO THE EXISTING SYSTEM ON THE TORONTO ISLANDS RECENTLY BUILT AND NOW OPERATED BY THE MUNICIPALITY OF METROPOLITAN TORONTO. CAPITAL CONSTRUCTION COSTS SHOULD BE BORNE BY THE CITY OF TORONTO FROM GENERAL TAX REVENUES, CONNECTION COSTS SHOULD BE PAID BY THE INDIVIDUAL HOUSEHOLDER, OPERATING COSTS SHOULD BE SHARED EQUITABLY BETWEEN THE MUNICIPALITY OF METROPOLITAN TORONTO AND THE CITY OF TORONTO ACCORDING TO USAGE.

Watermains at Ward's Island are susceptible to frost and should be replaced.

I RECOMMEND THAT THE WATERMAINS ON WARD'S ISLAND BE REPLACED AS SOON AS PRACTICABLE. THE CAPITAL COSTS SHOULD BE BORNE BY THE CITY OF TORONTO FROM GENERAL TAX (REVENUES, CONNECTION COSTS SHOULD BE PAID BY THE INDIVIDUAL HOUSEHOLDER, OPERATING COSTS SHOULD CONTINUE TO BE THE RESPONSIBILITY OF THE CITY OF TORONTO.

The roads and sidewalks at Ward's Island are inadequate for emergency vehicular access. Work needs to be done on roads and sidewalks on Algonquin Island as well. This should follow sewer and watermain installation.

I RECOMMEND THAT THE ROADS AND SIDEWALKS IN THE RESIDENTIAL AREA BE WIDENED AND REPLACED AS NECESSARY FOLLOWING ANY MAJOR CONSTRUCTION. CAPITAL COSTS SHOULD BE BORNE BY THE CITY OF TORONTO FROM GENERAL TAX REVENUES. MAINTENANCE COSTS SHOULD BE THE RESPONSIBILITY OF THE CITY OF TORONTO.

Conflicting evidence on the adequacy of the street lighting facilities was given. The matter should be resolved and any necessary work undertaken.

I RECOMMEND THAT A STUDY OF STREET LIGHTING IN THE RESIDENTIAL AREA BE CONDUCTED JOINTLY BY THE CITY OF TORONTO AND TORONTO HYDRO ELECTRIC SYSTEM TO ASCERTAIN WHETHER THE CURRENT FACILITIES ARE ADEQUATE. IF THEY ARE NOT, THEY SHOULD BE REPAIRED OR REPLACED AS NECESSARY. ANY COSTS SHOULD BE BORNE BY THE CITY OF TORONTO AND TORONTO HYDRO ELECTRIC SYSTEM ACCORDING TO THEIR STANDARD PRACTICES IN THAT REGARD.

The City of Toronto's zoning status with respect to the Toronto Islands is not suitable to allow the recommendations contained herein to be implemented.

I RECOMMEND THAT COUNCIL OF THE CITY OF TORONTO TAKE IMMEDIATE STEPS TO ENACT A NEW ZONING BY-LAW DEALING WITH THE TORONTO ISLANDS RESIDENTIAL COMMUNITY IN ITS RENEWED FORM TOGETHER WITH AN AMENDMENT TO THE OFFICIAL PLAN TO ACCOMMODATE SUCH A BY-LAW; AND THAT EARLY STEPS BE TAKEN TO OBTAIN THE NECESSARY APPROVALS FROM THE ONTARIO MUNICIPAL BOARD AND THE MINISTRY OF HOUSING FOR ONTARIO RESPECTIVELY.

The Ward's Island Clubhouse and the Algonquin Island Clubhouse are part and parcel of the Toronto Islands residential community. The City should grant leases for each of these clubhouses. The period of tenure should reflect that given to the residential community and the rent should be at fair market value, taking into account the use of the clubhouses. The community should be prohibited from subletting altogether.

I RECOMMEND THAT THE CITY OF TORONTO GRANT
LEASES TO THE TORONTO ISLANDS
RESIDENTIAL COMMUNITY FOR THE
WARD'S ISLAND ASSOCIATION
CLUBHOUSE AND THE ALGONQUIN
ISLAND ASSOCIATION CLUBHOUSE
WITH TENURE BEING SIMILAR TO
THAT GIVEN IN THE CASE OF THE
RESIDENCES AND THE RENT BEING
AT FAIR MARKET VALUE.

I RECOMMEND THAT THE LEASES WITH RESPECT
TO THE TWO CLUBHOUSES CONTAIN
AN EXPRESS PROHIBITION OF
SUBLETTING.

It may be that the renewed Toronto Islands residential community will economically support a corner grocery store or a laundromat or a similar facility. The City of Toronto should entertain that possibility.

I RECOMMEND THAT THE CITY OF TORONTO CONSIDER
THE POSSIBILITY OF PERMITTING ONE
OR MORE PRIVATE ENTERPRISES
WITHIN THE RESIDENTIAL COMMUNITY
TO OPERATE FOR THE CONVENIENCE
OF THE TORONTO ISLANDS COMMUNITY.

The evidence is that off-season ferry service would be reduced if the community were not to be retained and a saving achieved. In the light of my recommendations, the level of the off-season ferry service should be maintained at its present level. Metro residents should not have to shoulder the costs of winter transportation services (ferry and bus) required for residents of a local municipality. Nor should Metro residents have to pay any local municipal costs to support that community.

I RECOMMEND THAT THE MUNICIPALITY OF METROPOLITAN
TORONTO BE REQUIRED TO MAINTAIN
THE CURRENT LEVEL OF OFF-SEASON
FERRY AND ANCILLARY BUS SERVICES.

I RECOMMEND THAT THE CITY OF TORONTO BE REQUIRED
TO PAY TO THE MUNICIPALITY OF METRO-
POLITAN TORONTO ANY AMOUNTS FOR
EXPENDITURES MADE OR DEFICITS INCURRED
BY THE METROPOLITAN CORPORATION WITH
RESPECT TO THE PROVISION BY THE
METROPOLITAN CORPORATION OF ANY
LOCAL MUNICIPAL SERVICES, INCLUDING
FERRY AND BUS SERVICES, TO THE
TORONTO ISLANDS RESIDENTIAL COMMUNITY.

There was some evidence that a freight dock at Ward's Island would be required if the residential community were preserved.

I RECOMMEND THAT AN IMMEDIATE STUDY BE CONDUCTED BY A JOINT COMMITTEE OF OFFICIALS OF THE MUNICIPALITY OF METROPOLITAN TORONTO AND OF THE CITY OF TORONTO TO DETERMINE THE NEED FOR A FREIGHT DOCK AT WARD'S ISLAND, CONSIDERING THE EFFECT OF CONSTRUCTION AND OTHER HEAVY TRAFFIC ON THE ROADS SYSTEM IN THE TORONTO ISLAND PARK AND THE RESPECTIVE NEEDS OF A RENEWED RESIDENTIAL COMMUNITY AND THE METROPOLITAN TORONTO PARKS PROGRAMME AT THE EASTERN SECTION OF THE TORONTO ISLANDS. IN THE EVENT THAT SUCH A DOCK IS NECESSARY AND DESIRABLE, CAPITAL COSTS SHOULD BE SHARED EQUITABLY BETWEEN THE MUNICIPALITY OF METROPOLITAN TORONTO AND THE CITY OF TORONTO ACCORDING TO PROJECTED USAGE.

The execution of the writs of possession in the hands of Metro with respect to the Island residences and club-houses is stayed until July 1, 1981. If the direction contained in these recommendations is implemented and

arrangements are made for the City of Toronto to lease the lands from Metro and administer a renewed residential community, the subject writs of possession should be assigned to the City of Toronto by Provincial legislation or otherwise. In this way, the City of Toronto will have sufficient control of the situation in order to deal appropriately with the Island residences as may appear at that time.

I RECOMMEND THAT THE WRITS OF POSSESSION
WITH RESPECT TO THE TORONTO
ISLAND RESIDENCES AND CLUB-
HOUSES BE ASSIGNED, BY
PROVINCIAL LEGISLATION OR
OTHERWISE, TO THE CITY OF
TORONTO.

The implementation of the recommendations contained herein in their existing or in a modified form will require quick action by all three levels of government involved. This may be by legislation, by-law enactment or otherwise.

I RECOMMEND THAT THE PROVINCE OF ONTARIO, THE
MUNICIPALITY OF METROPOLITAN TORONTO
AND THE CITY OF TORONTO TAKE
IMMEDIATE ACTION AS NECESSARY IN
ORDER TO IMPLEMENT WHATEVER
RESOLUTION IS ULTIMATELY MADE
WITH RESPECT TO THE FUTURE OF THE
TORONTO ISLANDS RESIDENTIAL
COMMUNITY.

LIST OF RECOMMENDATIONS

- RECOMMENDATION 1: THAT THE FUTURE USE OF THE LANDS ON ALGONQUIN ISLAND AND WARD'S ISLAND IN THE CITY OF TORONTO, THAT ON THE 19TH DAY OF OCTOBER, 1979 WERE OCCUPIED AND USED FOR RESIDENTIAL PURPOSES, BE THE SAME AS THEIR USE ON THAT DATE.
- RECOMMENDATION 2: THAT THE SUBJECT LANDS REMAIN NOW AND FOREVER IN PUBLIC OWNERSHIP.
- RECOMMENDATION 3: THAT THE OWNERSHIP OF THE RESIDENTIAL PORTIONS OF THE TORONTO ISLANDS BE IN THE MUNICIPALITY OF METROPOLITAN TORONTO, NOTWITHSTANDING THEIR RESIDENTIAL USE.
- RECOMMENDATION 4: THAT THE TORONTO HARBOUR COMMISSIONERS FORMALLY CONVEY TO THE MUNICIPALITY OF METROPOLITAN TORONTO OWNERSHIP OR WHATEVER OTHER LEGAL INTEREST THEY MAY HAVE IN THE LANDS COMPRISING THE TORONTO ISLANDS, EXCEPT SUCH PORTIONS OF ALL SUCH LANDS AS ARE SET ASIDE AND USED OR REQUIRED FOR THE PURPOSES OF THE TORONTO ISLAND AIRPORT.
- RECOMMENDATION 5: THAT THE CITY OF TORONTO ADMINISTER A CONTINUED TORONTO ISLANDS RESIDENTIAL COMMUNITY.
- RECOMMENDATION 6: THAT THE RESIDENTIAL COMMUNITY ON THE TORONTO ISLANDS REMAIN ESSENTIALLY AT ITS PRESENT SIZE.

- RECOMMENDATION 7: THAT A LEASE OF THE RESIDENTIAL LANDS AS THEY CURRENTLY EXIST, ALLOWING FOR SOME PLANNING FLEXIBILITY, BE GRANTED BY THE MUNICIPALITY OF METROPOLITAN TORONTO TO THE CITY OF TORONTO.
- RECOMMENDATION 8: THAT THE LEASE FROM THE MUNICIPALITY OF METROPOLITAN TORONTO TO THE CITY OF TORONTO BE FOR A PERIOD UNTIL JULY 31, 2005.
- RECOMMENDATION 9: THAT THE RENT PAYABLE FROM THE CITY OF TORONTO TO THE MUNICIPALITY OF METROPOLITAN TORONTO BE AT THE FAIR MARKET VALUE OF LANDS USED FOR RESIDENTIAL PURPOSES, AND BE SUBJECT TO REVIEW AT INTERVALS OF NOT MORE THAN FIVE YEARS. FAILING AGREEMENT BETWEEN THE PARTIES, THE RATES SHOULD BE DETERMINED BY ARBITRATION.
- RECOMMENDATION 10: THAT ISLAND RESIDENCE BE RESTRICTED TO THOSE WHO PLAN AND UNDERTAKE TO RESIDE THERE ON A YEAR-ROUND BASIS.
- RECOMMENDATION 11: THAT, IN A CONTINUED RESIDENTIAL COMMUNITY, THE CURRENT OCCUPANT BE GIVEN PREFERENCE OVER AN ABSENTEE "OWNER" AND THAT AN ABSENTEE "OWNER" BE GIVEN PREFERENCE OVER ANY NEWCOMER.
- RECOMMENDATION 12: THAT THE LEASING PROGRAMME BY THE CITY OF TORONTO BE SUCH THAT THERE IS NO ROOM FOR WINDFALL GAINS, CORRESPONDING PROFITS OR SPECULATION IN TORONTO ISLAND HOMES.
- RECOMMENDATION 13: THAT THE CITY OF TORONTO GRANT LEASES TO INDIVIDUAL RESIDENTS FOR SPECIFIC PERIODS OF TIME NOT TO EXCEED THREE YEARS AND THAT SUCH LEASES PROVIDE FOR:
- (A) RENT TO BE AT FAIR MARKET VALUE AT THE COMMENCEMENT OF THE LEASE;

- (B) PERIODIC RENEWALS UNTIL JULY 31, 2005;
- (C) NO COMPENSATION AS OF JULY 31, 2005;
- (D) A PROHIBITION OF ASSIGNMENT;
- (E) TERMINATION UPON THE LESSEE CEASING TO RESIDE ON THE PREMISES;
- (F) REIMBURSEMENT TO THE LESSEE FOR REPAIRS AND IMPROVEMENTS ACCORDING TO A FORMULA UPON TERMINATION OR SURRENDER; AND
- (G) A LIMITED RIGHT TO SUBLET WITH THE CONSENT OF THE CITY.

RECOMMENDATION 14: THAT THE CITY OF TORONTO GIVE CONSIDERATION THROUGH ITS LEASING PROGRAMME TO SUBSIDIZED HOUSING FOR LOW INCOME TENANTS.

RECOMMENDATION 15: THAT IT BE A CONDITION PRECEDENT TO THE GRANTING OF A LEASE THAT THE RESIDENT PAY TO THE MUNICIPALITY OF METROPOLITAN TORONTO THE FULL AMOUNT, TOGETHER WITH INTEREST, OF ANY AND ALL OUTSTANDING OCCUPATION COMPENSATION RELATING TO THAT RESIDENT.

RECOMMENDATION 16: THAT THE CITY OF TORONTO'S PLANNING AND DEVELOPMENT DEPARTMENT UNDERTAKE AN IMMEDIATE AND COMPREHENSIVE PLANNING PROCESS WITH RESPECT TO A RENEWED RESIDENTIAL COMMUNITY.

RECOMMENDATION 17: THAT COUNCIL OF THE CITY OF TORONTO, ON THE ADVICE OF ITS DEPARTMENT OF PLANNING AND DEVELOPMENT AND DEPARTMENT OF BUILDINGS AND INSPECTIONS, PRESCRIBE APPROPRIATE HOUSING STANDARDS, WITH DUE REGARD FOR HEALTH AND SAFETY, APPLICABLE TO ISLAND RESIDENCES DURING AN INTERIM PERIOD.

RECOMMENDATION 18: THAT, ONCE PROMULGATED, APPLICABLE HOUSING STANDARDS FOR THE INTERIM PERIOD SHOULD BE ENFORCED AND, THEREAFTER, FULL COMPLIANCE WITH HOUSING BY-LAW 73-68 SHOULD BE REQUIRED.

- RECOMMENDATION 19: THAT AN IMMEDIATE STUDY BE CONDUCTED BY THE CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT IN CONSULTATION WITH THE FIRE CHIEF FOR THE CITY OF TORONTO TO DETERMINE FROM A FIRE SAFETY POINT OF VIEW THE NEED FOR RELOCATION OF ANY ISLAND HOMES.
- RECOMMENDATION 20: THAT VACANT LOTS IN THE RESIDENTIAL AREA BE MADE AVAILABLE TO RECEIVE ANY HOMES REQUIRING RELOCATION BECAUSE OF FIRESREADING RISK.
- RECOMMENDATION 21: THAT DEMOLITION AND NEW CONSTRUCTION OF ISLAND RESIDENCES BE PERMITTED WITHIN THE RESIDENTIAL AREA IN THOSE CASES WHERE THE EXISTING RESIDENCES DO NOT LEND THEMSELVES ECONOMICALLY TO REHABILITATION.
- RECOMMENDATION 22: THAT AN IMMEDIATE STUDY BE CONDUCTED BY THE CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT IN CONSULTATION WITH THE METROPOLITAN TORONTO AND REGION CONSERVATION AUTHORITY TO DETERMINE THE NECESSITY OR DESIRABILITY OF ELEVATING OR RELOCATING ISLAND HOMES.
- RECOMMENDATION 23: THAT VACANT LOTS IN THE RESIDENTIAL AREA BE MADE AVAILABLE TO RECEIVE ANY HOMES REQUIRING RELOCATION BECAUSE OF FLOODING CONCERNS.
- RECOMMENDATION 24: THAT CONTINGENT PLANS AND PROPOSALS FOR THE INSTALLATION OF A SANITARY SEWAGE SYSTEM TO SERVICE THE RESIDENTIAL COMMUNITY BE IMMEDIATELY REVIEWED AND REFINED AS NECESSARY WITH A VIEW TO EARLY CONSTRUCTION AND CONNECTION TO THE EXISTING SYSTEM ON THE TORONTO ISLANDS RECENTLY BUILT AND NOW OPERATED BY THE MUNICIPALITY OF METROPOLITAN TORONTO. CAPITAL CONSTRUCTION COSTS SHOULD BE BORNE BY THE CITY OF TORONTO FROM GENERAL TAX REVENUES. CONNECTION COSTS SHOULD BE PAID BY THE INDIVIDUAL HOUSEHOLDER. OPERATING COSTS SHOULD BE SHARED EQUITABLY BETWEEN THE MUNICIPALITY OF METROPOLITAN TORONTO AND THE CITY OF TORONTO ACCORDING TO USAGE.

- RECOMMENDATION 25: THAT THE WATERMAINS ON WARD'S ISLAND BE REPLACED AS SOON AS PRACTICABLE, THE CAPITAL COSTS SHOULD BE BORNE BY THE CITY OF TORONTO FROM GENERAL TAX REVENUES. CONNECTION COSTS SHOULD BE PAID BY THE INDIVIDUAL HOUSEHOLDER. OPERATING COSTS SHOULD CONTINUE TO BE THE RESPONSIBILITY OF THE CITY OF TORONTO.
- RECOMMENDATION 26: THAT THE ROADS AND SIDEWALKS IN THE RESIDENTIAL AREA BE WIDENED AND REPLACED AS NECESSARY FOLLOWING ANY MAJOR CONSTRUCTION. CAPITAL COSTS SHOULD BE BORNE BY THE CITY OF TORONTO FROM GENERAL TAX REVENUES. MAINTENANCE COSTS SHOULD BE THE RESPONSIBILITY OF THE CITY OF TORONTO.
- RECOMMENDATION 27: THAT A STUDY OF STREET LIGHTING IN THE RESIDENTIAL AREA BE CONDUCTED JOINTLY BY THE CITY OF TORONTO AND TORONTO HYDRO ELECTRIC SYSTEM TO ASCERTAIN WHETHER THE CURRENT FACILITIES ARE ADEQUATE. IF THEY ARE NOT, THEY SHOULD BE REPAIRED OR REPLACED AS NECESSARY. ANY COSTS SHOULD BE BORNE BY THE CITY OF TORONTO AND TORONTO HYDRO ELECTRIC SYSTEM ACCORDING TO THEIR STANDARD PRACTICES IN THAT REGARD.
- RECOMMENDATION 28: THAT COUNCIL OF THE CITY OF TORONTO TAKE IMMEDIATE STEPS TO ENACT A NEW ZONING BY-LAW DEALING WITH THE TORONTO ISLANDS RESIDENTIAL COMMUNITY IN ITS RENEWED FORM TOGETHER WITH AN AMENDMENT TO THE OFFICIAL PLAN TO ACCOMMODATE SUCH A BY-LAW; AND THAT EARLY STEPS BE TAKEN TO OBTAIN THE NECESSARY APPROVALS FROM THE ONTARIO MUNICIPAL BOARD AND THE MINISTRY OF HOUSING FOR ONTARIO RESPECTIVELY.

- RECOMMENDATION 29: THAT THE CITY OF TORONTO GRANT LEASES TO THE TORONTO ISLANDS RESIDENTIAL COMMUNITY FOR THE WARD'S ISLAND ASSOCIATION CLUBHOUSE AND THE ALGONQUIN ISLAND ASSOCIATION CLUBHOUSE, WITH TENURE BEING SIMILAR TO THAT GIVEN IN THE CASE OF THE RESIDENCES AND THE RENT BEING AT FAIR MARKET VALUE.
- RECOMMENDATION 30: THAT THE LEASES WITH RESPECT TO THE TWO CLUBHOUSES CONTAIN AN EXPRESS PROHIBITION OF SUBLETTING.
- RECOMMENDATION 31: THAT THE CITY OF TORONTO CONSIDER THE POSSIBILITY OF PERMITTING ONE OR MORE PRIVATE ENTERPRISES WITHIN THE RESIDENTIAL COMMUNITY TO OPERATE FOR THE CONVENIENCE OF THE TORONTO ISLANDS COMMUNITY.
- RECOMMENDATION 32: THAT THE MUNICIPALITY OF METROPOLITAN TORONTO BE REQUIRED TO MAINTAIN THE CURRENT LEVEL OF OFF-SEASON FERRY AND ANCILLARY BUS SERVICES.
- RECOMMENDATION 33: THAT THE CITY OF TORONTO BE REQUIRED TO PAY TO THE MUNICIPALITY OF METROPOLITAN TORONTO ANY AMOUNTS FOR EXPENDITURES MADE OR DEFICITS INCURRED BY THE METROPOLITAN CORPORATION WITH RESPECT TO THE PROVISION BY THE METROPOLITAN CORPORATION OF ANY LOCAL MUNICIPAL SERVICES, INCLUDING FERRY AND BUS SERVICES, TO THE TORONTO ISLANDS RESIDENTIAL COMMUNITY.

RECOMMENDATION 34: THAT AN IMMEDIATE STUDY BE CONDUCTED BY A JOINT COMMITTEE OF OFFICIALS OF THE MUNICIPALITY OF METROPOLITAN TORONTO AND OF THE CITY OF TORONTO TO DETERMINE THE NEED FOR A FREIGHT DOCK AT WARD'S ISLAND, CONSIDERING THE EFFECT OF CONSTRUCTION AND OTHER HEAVY TRAFFIC ON THE ROADS SYSTEM IN THE TORONTO ISLAND PARK AND THE RESPECTIVE NEEDS OF A RENEWED RESIDENTIAL COMMUNITY AND THE METROPOLITAN TORONTO PARKS PROGRAMME AT THE EASTERN SECTION OF THE TORONTO ISLANDS. IN THE EVENT THAT SUCH A DOCK IS NECESSARY AND DESIRABLE, CAPITAL COSTS SHOULD BE SHARED EQUITABLY BETWEEN THE MUNICIPALITY OF METROPOLITAN TORONTO AND THE CITY OF TORONTO ACCORDING TO PROJECTED USAGE.

RECOMMENDATION 35: THAT THE WRITS OF POSSESSION WITH RESPECT TO THE TORONTO ISLAND RESIDENCES AND CLUBHOUSES BE ASSIGNED, BY PROVINCIAL LEGISLATION OR OTHERWISE, TO THE CITY OF TORONTO.

RECOMMENDATION 36: THAT THE PROVINCE OF ONTARIO, THE MUNICIPALITY OF METROPOLITAN TORONTO AND THE CITY OF TORONTO TAKE IMMEDIATE ACTION AS NECESSARY IN ORDER TO IMPLEMENT WHATEVER RESOLUTION IS ULTIMATELY MADE WITH RESPECT TO THE FUTURE OF THE TORONTO ISLANDS RESIDENTIAL COMMUNITY.

APPENDICES

- A. INFORMAL HEARINGS
ORAL SUBMISSIONS
- B. FORMAL HEARINGS
- C. WRITTEN SUBMISSIONS

APPENDIX AINFORMAL HEARINGSORAL SUBMISSIONS

Those making oral submissions were...

ADAMS, Jay

ADAMSON, Lyn

ALLEN, John

ALTON, Janis

ANNEX RESIDENTS' ASSOCIATION
presented by Jim Lemon

BAIRD, George

BARTMAN, Gordon

BASKIN, Harry

BERNECKY, Bob

BLACK, Gloria

BUCH, Joseph
speaking on behalf of his unnamed uncle

BURNETT, Attalia

CO-OPERATIVE HOUSING FEDERATION OF TORONTO
presented by Catharine Odell

COPELAND, Ted

CROMBIE, David
Member of Parliament, Rosedale

CURRIE, Ted

DOIRON, Joan (together with Bob Spencer)
Trustee, Ward 6, Toronto Board of Education

EAST YORK, BOROUGH OF
presented by Donald Van Mierlo
Alderman, Ward 3, Borough of East York

EGGLETON, Art
Alderman, Ward 4, City of Toronto

EINARSON, Henry

EISENBERG, Robert

FEDERATION OF METRO TENANTS' ASSOCIATIONS
presented by Nelson Clark

FINE, Judylaine

FIRCHAU, Vilma

FRY, Ruth

GEMMELL, Jack

GREENE, Barbara
Controller, City of North York

GROSSMAN, The Honourable Larry
Member of Legislative Assembly, St. Andrew-St. Patrick

HISLOP, George

HOFFMAN, Gary

HOLT, James

HURD, Barbara

JAMES, Richard

KENT, Clement

KREHM, Jonathan

LaBELL, Albert

LAYTON, Jack

LEGG, Mary

McDONALD, James

McMURTRY, Peter
on behalf of three named families

METRO NEW DEMOCRATS
presented by Gordon Crann
Alderman, Ward 3, Borough of East York

METRO TENANTS LEGAL SERVICES
presented by Mark Leach

MILES, Simon

NAYLOR, Bob

NEW DEMOCRATIC CAUCUS (14 members,
City of Toronto and Metropolitan Toronto)
presented by Richard Johnston
Member of Legislative Assembly, Scarborough West

NEWMAN, D.M.

OUTRAM, Richard

PASTERNAK, Harry

PEOPLE OR PLANES
presented by Charles Godfrey

POVILAITIS, Harold

POWELL, Allan

RICHARDSON, Darlene
on behalf of her family and some unnamed residents
of Harbour Square

RUTHERFORD, Brent
on his own behalf and on behalf of an unnamed
handicapped person

ST. ANDREW-ST. PATRICK NEW DEMOCRATIC PARTY
RIDING ASSOCIATION
presented by Donald Nethery

ST. GEORGE NEW DEMOCRATIC PARTY RIDING ASSOCIATION
presented by Paul Jones

SHAW, Allan

SHAW, Edward

SHERMAN, Sadie

SMITH, Ronald

SPARROW, Allan
Alderman, Ward 6, City of Toronto

SPENCER, Bob (together with Joan Doiron)
Trustee, Ward 6, Toronto Board of Education

STEINHUR, Norman

TORONTO BOARD OF EDUCATION
presented by Fiona Nelson
Chairman, Toronto Board of Education

TORONTO REDEVELOPMENT ADVISORY COUNCIL
presented by John Bryan

TORONTO TEACHERS' FEDERATION
presented by Judy Greenfield

TEITEL, David

USHER, Tony

WALSH, David

WARD 1 COMMUNITY ORGANIZATION, CITY OF TORONTO
presented by Diana Fancher

WARD 6 NEW DEMOCRATIC PARTY, CITY OF TORONTO
presented by Kay Parsons

WILDE, David

WILLIAM, Bruce

YAGER, Leslie

APPENDIX BFORMAL HEARINGS

Those testifying were...

AITKEN, Alice
Island Resident

AMER, Elizabeth
Island Resident, Co-Chairman, Toronto Island
Residents' Association

ANDERSON, Mary
Island Resident

ATKINSON, Campbell
Island Resident

BARRY, Christopher
Island Resident

BATEMAN, John
Fire Marshal, Ministry of the Solicitor General
(Ontario)

BONSER, Bernard
Fire Chief, City of Toronto

BOWER, Robert
Commissioner, Planning Department, Metropolitan
Toronto

BRENNER, Bernard
Manager, Distribution, Planning and Design,
Toronto Hydro

BROWN, Douglas
General Manager, William Beasley Enterprises Limited

BROWN, Ian
General Manager, Toronto Harbour Commissioners

BUNDY, Robert
Commissioner, Parks and Property Department,
Metropolitan Toronto

CHAMBERLAIN, Simon
Program Manager-Research, Planning and Development
Department, City of Toronto

COOK, George
Deputy Commissioner, Buildings and Inspections
Department, City of Toronto

COSTELLO, Patrick
Commodore, Westwood Sailing Club

CRIDLAND, Peter
Island Resident

DAVIS, Harold
Commodore, Island Yacht Club

DOHERTY, Douglas
Deputy Commissioner, Public Works Department,
City of Toronto

du TOIT, Sheila
Island Resident

FERGUSON, Robert
Deputy Commissioner, Works Department, Metropolitan
Toronto

FILBY, James
Treasurer (The Boston Mills Press)

FORREST, Ivan
Commissioner, Parks and Recreation Department, City
of Toronto

FOWLER, David
Vice-Commodore, Queen City Yacht Club

GARRETT, Michael
Administrator, Water Resources Division, Metropolitan
Toronto and Region Conservation Authority

HESS, John
Supervisor, Fire Protection Unit, Office of the Fire
Marshal, Ministry of the Solicitor General (Ontario)

HOWARD, Alan
Curator, Marine Museum of Upper Canada

JAFFARY, Karl
Commissioner, Toronto Harbour Commissioners

KRISTOFFY, Nicholas
Director, Management Planning and Evaluation Branch,
Ministry of Housing (Ontario)

LaBELL, Albert
Mainland Resident

LaFORME, Harry
Counsel and Member, Mississaugas of the New Credit

LAWLER, Penny
Island Resident

MARKS, Jack
Deputy Chief, Metropolitan Toronto Police Department

MAZZA, Ron
Island Resident, Co-Chairman, Toronto Island Residents'
Association

McGINNIS, John
Managing Director, Toronto Historical Board

McGUFFIN, James
General Secretary, Toronto Transit Commission

McKENZIE, Joe
President, Toronto Island Marina

McKEOWN, Edward
Acting Director, Toronto Board of Education

MILLER, Sarah
Island Resident

MILLS, Frank
Director of Planning and Development, Harbourfront

MILLWARD, Robert
Deputy Commissioner, Planning and Development
Department, City of Toronto

MOSS, George
Medical Officer of Health, City of Toronto

MYERS, Elizabeth
District Manager, Midtown South Region, Customer
Service Department, Bell Canada

ONYSCHUK, Roy
General Manager, Metropolitan Toronto Region,
Consumers' Gas Company

PACKARD, Reginald
Manager, Commercial and Residential Services Department,
Toronto Hydro

PEAT, James
Director of Financial Services and Deputy Treasurer,
Metropolitan Toronto

PEDDIE, Richard
Director, Planning Division, Housing Department,
City of Toronto

PELLEGRINO, Anthony
Director, Operations Section, Public Works Department,
City of Toronto

PERKINS, Dale
Island Resident

PUTT, Ruth
Island Resident

ROBERTS, Christopher
Deputy Commissioner, Parks Department, Metropolitan
Toronto

THOMPSON, Arthur
Regional Assessment Commissioner, Ministry of Revenue
(Ontario)

THOMPSON, Thomas
General Director, Metropolitan Toronto Zoo

TOMLINSON, Ray
Commissioner, Social Services Department, Metropolitan
Toronto

VAN BUSKIRK, Peter
General Manager, Royal Canadian Yacht Club

VAN ZON, Yvonne
Vice-Commodore, North Toronto Sailing Club

VICTOR, Peter
Economist, Victor & Burrell (Research and Consulting)

WALLER, Garfield
Vice-President, Dalmar Foods Limited

WARD, Keith
Project Planner, Housing Department, City of Toronto

WEBER, Bruce
Island Resident

WILFORD, Walter
Commissioner of Finance and City Treasurer,
City of Toronto

WOLMAN, Frank
Deloitte, Haskins & Sells Associates, Management
Consultants

APPENDIX C
WRITTEN SUBMISSIONS

Those making written submissions were...

(* indicates those who also made oral submissions at the informal hearings)

ACKER, Alison

* ADAMS, Douglas & Jessie (3 submissions)

ATKINSON, C.W. (over 20 submissions)

BELL, Jean

BERRY, Vivian

BOND, Betty

BRUKWELL, Mrs. G.H.

BUCK, Alan

BURROWS, Margaret

CACCIA, Charles
Member of Parliament, Davenport

CHARLES STREET TENANTS' ASSOCIATION

* CO-OPERATIVE HOUSING FEDERATION

* COPELAND, Ted

CROW, Robert and KOSNY, Mitchell

CROWLE, Aylmer

DAY, James

de GEUS, Patricia

de PENCIER, Michael

DIXON, Mary

* DOIRON, Joan and SPENCER, Bob
Trustees, Ward 6, Toronto Board of Education

DONAY, Margaret

DRAPER, Mr. & Mrs. J.

DREW, Diane & Harley

EDWARDS, Marguerite

* EGGLETON, Art
Alderman, Ward 4, City of Toronto

* EINARSON, Henry

* EISENBERG, Robert

ETOBICOKE, Borough of

* FEDERATION OF METRO TENANTS' ASSOCIATIONS

FELLS, Kittie and 9 others

* FIRCHAU, Vilma

* FRY, Ruth

FURST, Barbara

GOLDEN, Mark

GOTTLIEB, Martin

GRANGE AREA CO-OPERATIVE HOMES INCORPORATED

GREGG, Bernice

HANSEN, Robert & Helen

HARDING, Barbara

HEYDE, Peter

* HOFFMAN, Gary

HOPP, Lillian

HUNT, Brian

* HURD, Barbara

HURON-SUSSEX RESIDENTS ORGANIZATION

HVIDSTEN, Sylvia

- * JAMES, Richard (2 submissions)
- JOHNSON, Julia
- KARTINEN, Irene
- KENNEDY, Lillie
- KING, Dorothy
- KJELLBERG, Judith and WELLMAN, Barry
- KNUTSON, Marjorie
- * KREHM, Jonathan
- LABBÉ, Michel
- LADD, Val
- LANGLEY, Nancy
- LARSON, Mary
- LEACH, Judith
- LEAHY, R.M.
- LEE, Terry
- LICK, Mr. and Mrs. Douglas and 7 others
- LOMAX, Gladys
- LOUNSBURY, Joan
- MacLEOD, H.D.
- MACQUEEN, Pearl & Walter
- MAHOOD, Garfield
- MALIC, H.J.
- MANCUSO Jr., Frank
- MARINETT, Hilda
- * McDONALD, James
- McGUINNESS, L.B.

MELESKI, Margita (2 submissions)

* METRO TENANTS LEGAL SERVICES

* MILES, Simon

MINNOCK, Isabel

MITCHELL, L.C.

MUNGALL, Constance

MURRAY, Sheila

MUSSON, June & Herman

* NEWMAN, D.M.

O'BRIEN, M.

O'NEIL, Barbara and FRENCH, Jerry

ONTARIO NEW DEMOCRATS

* OUTRAM, Richard

PATTERSON, Sharon & Bradley

PELLIER, Brenda

* PEOPLE OR PLANES

PLATT, Joan

PUTT, Raymond

REID, Helen

* RICHARDSON, Darlene

RIVAIT, Mrs. K.M.

ROBERTSON, C.

ROBERTSON, David and GRIER, Ruth
respectively, Alderman, Ward 4 and Ward 5
Borough of Etobicoke

ROSS, Samuel

ROSS, Val

- RUNGE, Jean
- * RUTHERFORD, Brent
- SAUNDERS, Mr. & Mrs. J.
- SCARBOROUGH, Borough of
- SCHOENBORN, Luise (2 submissions)
- SCHWARTZ, Abe
- SEA HAWKS BOYS' CLUB
- SEVEN OAKS COMMUNITY ASSOCIATION
- SEWELL, John
Mayor, City of Toronto
- SHEARER, Bill & Selma
- * SHERMAN, Sadie
- * SMITH, Ronald
- STAPLEY, J.F.
- STEELE, Mrs. Grant
- STOCKMAN, Roger
- "SUMMER ISLANDERS"
- TAYLOR, Harold
- TILTON, Mrs. A.
- * TORONTO BOARD OF EDUCATION (2 submissions)
- * TORONTO REDEVELOPMENT ADVISORY COUNCIL
- TORONTO SOCIETY OF ARCHITECTS
- * TORONTO TEACHERS' FEDERATION
- TRUDELLE, Gilles
- VUK, Lucy
- WAGNER, M.D.

WALLINGFORD, Violet

* WALSH, David

* WARD 1 COMMUNITY ORGANIZATION, CITY OF TORONTO

WARD 6 COMMUNITY ORGANIZATION, CITY OF TORONTO

WAYNE, Peter

WELCH, Donald

WELCH, F.

WILSON, Roger

WOOD, Mrs. Don

WORTERS, Elinor

* YAGER, Leslie

ZAK, Gadi



Michael Peake, *Toronto Sun*

